

**KILDARE COUNTY COUNCIL**  
**Minutes of meeting of Council**  
**held at 2:00 p.m.**  
**Monday 24 February 2020**  
**Áras Chill Dara, Devoy Park, Naas, Co Kildare.**

**Members Present:** Councillor S Doyle (Cathaoirleach), Councillors A Breen, A Breslin, F Brett, B Caldwell, B Clear, A Connolly, Í Cussen, B Dooley, K Duffy, T Durkan, A Farrelly, A Feeney, D Fitzpatrick, C Galvin, P Hamilton, N Heavey, C Kelly, N Killeen, I Keatley, V Liston, N Ó’Cearuíl, VP Martin, P McEvoy, F McLoughlin Healy, S Moore, J Neville, P O’Dwyer, T O’Dwyer, C Pender, R Power, E Sammon, P Ryan, M Stafford, M Wall, P Ward, B Weld and B Wyse.

**Apologies:** Councillors V Behan and M Coleman.

**Also Present:** Mr P Carey, Chief Executive, Messrs J Boland, T McDonnell, E Ryan (Directors of Service), Ms A Aspell and Ms S Kavanagh (Directors of Service), Ms F Millane A/Head of Finance, Ms C O’Grady (Meetings Administrator) Ms K Keane (Meetings Secretary) and other officials.

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**01/0220**

**Suspension of Standing Orders**

Councillor Stafford requested a suspension of standing orders to discuss a serious planning issue related to an unauthorised development in Kilcock. The Cathaoirleach noted that the case referred to predated 2002 which predated this council and asked that the Planning Department prepare a report on the matter and circulate it to the members. The members agreed.

**Resolved** with the agreement of the members that a report be prepared by the Planning department on the referred to unauthorized development in Kilcock and circulated to the members.

**02/0220**

**Vote of Sympathy**

The Cathaoirleach welcomed the members to the meeting and extended her sympathy to the

family of the late:

John (Brendan) Connolly, brother of Noel Connolly, Transportation.

Mrs Anne Domican, Mother of Damian Domican, Fire Services and mother in law of Liz Coic, Roads.

A minute's silence was observed.

### **03/0220**

#### **Adoption of Minutes**

The council considered the minutes of the monthly meeting on 27 January 2020 together with the progress report.

**Resolved** on the proposal of Councillor Wall, seconded by Councillor Feeney and agreed by the members present, that the minutes of the monthly meeting on 27 January 2020 be adopted. The progress report was noted.

### **04/0220**

#### **Chief Executive's Monthly Management Report**

The members noted the Chief Executives monthly management report.

**Resolved** with the agreement of the members the Chief Executive's monthly management report was noted.

### **05/0220**

#### **Section 85 Agreement**

Pursuant to Section 85 of the Local Government Act 2001 as amended, the members considered the proposed Section 85 agreement with Kilkenny County Council in relation to the Public Lighting Energy Enhancement Project (PLEEP).

The members stated they had no objection in principle to the agreement but sought clarification around whether signing this agreement would have an impact on the already stretched resources of the Roads department and asked if it would lead to further delays in public lighting queries. Mr McDonnell confirmed that this agreement was separate and distinct to the local authority's own programme of works under public lighting and the purpose of the agreement was to achieve efficiencies through economies of scale. Following a request, Mr McDonnell undertook to

determine if the Departments Project Initiation report was available and if it was, he would circulate it to the members.

**Resolved** with the agreement of the members present that Kildare County Council enter into a Section 85 agreement with Kilkenny County Council in relation to the Public Lighting Energy Enhancement Project (PLEEP), under Section 85 of the Local Government Act 2001, as amended.

## 06/0220

### Committees of the Council

- (i) Appointment of a Chairperson to the Climate Action SPC and any other vacancy that may arise on foot of this vacancy.

Councillor McEvoy proposed Councillor Vincent P Martin, Councillor Keatley seconded the proposal and the members agreed.

**Resolved** on the proposal of Councillor McEvoy, seconded by Councillor Keatley and agreed by the members that Councillor Vincent P Martin be appointed as Chair of the Climate Action SPC

Following Councillor Martins appointment to the Climate Action SPC, Councillor McEvoy proposed that Councillor Suzanne Doyle be appointed as Chair of the Environment and Water Services SPC, Councillor Keatley seconded the proposal and the members agreed.

**Resolved** on the proposal of Councillor McEvoy, Seconded by Councillor Keatley and agreed by the members, Councillor Suzanne Doyle was appointed as Chair of the Environment and Water Services SPC.

- (ii) Appointment of six members to the Climate Action SPC

The Cathaoirleach stated that as a sixth SPC had been introduced, the number of members on each SPC had to be reconfigured based on the revised number of SPC's and the overall total of elected members. She asked that where possible, nominations would be made in bulk rather than singular nominations, with one proposer and seconder and the approval of the meeting would then be sought to the list of nominees, based on a majority vote.

The Meetings Administrator reminded the members of the requirement to have equity and gender balance when making appointments.

1) Appointment of 6 Members to the Climate Action SPC

Councillors Martin, Clear, Brett, Galvin, Ó'Cearúil and McLoughlin Healy were proposed by Councillor McEvoy, seconded by Councillor Keatley and agreed by the members.

**Resolved** that Councillors Martin, Clear, Brett, Galvin, Ó'Cearúil and McLoughlin Healy be appointed to the Climate Action SPC.

2) Appointment of 7 members to the Economic Development, Enterprise and Planning SPC

Councillors Keatley, Power, Coleman, Duffy, P O'Dwyer, McEvoy and Moore were proposed by Councillor McEvoy, seconded by Councillor Keatley and agreed by the members.

**Resolved** that Councillors Keatley, Power, Coleman, Duffy, P O'Dwyer, McEvoy and Moore be appointed to the Economic Development, Enterprise and Planning SPC.

3) Appointment of 7 members to the Transportation, Safety and Emergency Services SPC

Councillors Neville, Ward, A Connolly, Stafford, Hamilton, Feeney, and Killeen were proposed by Councillor McEvoy, seconded by Councillor Keatley and agreed by the members.

**Resolved** that Councillors Neville, Ward, A Connolly, Stafford, Hamilton, Feeney, and Killeen be appointed to the Transportation, Safety and Emergency Services SPC.

4) Appointment of 6 members to the Environmental Services and Water SPC

Councillors Doyle, Dooley, Wyse, Liston, Cussen and Breen were proposed by Councillor McEvoy, seconded by Councillor Keatley and agreed by the members.

**Resolved** that Councillors Doyle, Dooley, Wyse, Liston, Cussen and Breen be appointed to the Environmental Services and Water SPC.

5) Appointment of 7 members to the Housing SPC

Councillors Wall, Weld, Behan, Fitzpatrick, Durkan and Pender were proposed by Councillor McEvoy, seconded by Councillor Keatley and agreed by the members. The Cathaoirleach noted that a vacancy remained to be filled on the Housing SPC following the election of former Councillor Patricia Ryan to the Dáil.

**Resolved** that Councillors Wall, Weld, Behan, Fitzpatrick, Durkan and Pender be appointed to the Housing SPC.

6) Appointment of 7 members to the Local Community and Culture SPC  
Councillors Breslin, Kelly, Caldwell, Heavey, T O'Dwyer, Sammon and Farrelly were proposed by Councillor McEvoy, seconded by Councillor Keatley and agreed by the members.

**Resolved** that Councillors Breslin, Kelly, Caldwell, Heavey, T O'Dwyer, Sammon and Farrelly be appointed to the Economic Development, Enterprise and Planning SPC.

### 07/0220

#### **Appointment of external nominees to the Strategic Policy Committees**

The Meetings Administrator referred to the report that had been circulated in advance of the meeting which outlined the proposed nominees, their nominating bodies and the vacant positions awaiting a nominee.

Councillor Farrelly noted that it was the first time a youth representative had been nominated to a SPC in Kildare and thanked the members for their support on his previous motion to effect this. He noted however, the youth representative had been assigned to the Community and Culture SPC and not the Climate Action SPC as agreed. The Cathaoirleach confirmed that all the external positions on the Climate Action SPC had been filled by the nominating bodies as required. She suggested that an informal discussion into how that SPC could accommodate the youth representative, would now take place.

Following a query raised in relation to external nominees and potential conflicts of interest, Ms Aspell confirmed that external nominees are bound by the terms of the 2019 Code of Conduct and the requirements of Section 177 of the Local Government Act 2001, as amended, in relation to ethics. Councillor McLoughlin Healy raised further queries in relation to how the nominating bodies select their nominees. Mr Carey stated that Strategic Policy Committees discuss and debate items with a view to recommending policy and do not make statutory or executive decisions. He confirmed that there were clear rules around the role of the Chair of an SPC in relation to dealing with conflicts of interest at SPC meetings. Mr Carey further confirmed that local authorities are bound by national guidelines and that questions around the national pillars nominating procedures should be referred to the pillars directly. Following a query related to inviting expert advice to SPC meetings, the Chief Executive confirmed it was a matter for the relevant SPC to agree to invite in expert advice on a subject matter, if deemed to be necessary or of assistance to the SPC.

The Meeting Administrator confirmed she would circulate a copy of the national guidelines on the formation of SPCs and the 2019 Code of Conduct for members, to the members for their information.

**Resolved** on the proposal of Councillor Keatley, seconded by Councillor McEvoy, with the agreement of the members, excluding Councillor McLoughlin Healy who wished to abstain, the external nominees to the SPCs were approved as follows:

**Economic Development, Enterprise and Planning SPC**

<b>Name</b>	<b>Sectoral Interest</b>
Gerry Prendergast	Business/Commercial
Majella O'Keefe	PPN - Community/Voluntary
Evonne Boland	PPN - Environmental/Conservation
<i>Nominee awaited</i>	<i>Development Construction</i>

**Transportation, Safety and Emergency Services SPC**

<b>Name</b>	<b>Sectoral Interest</b>
Cormac Browne	Agriculture/Farming
Brian Purcell	Business/Commercial
Gerry Dornan	PPN - Community/Voluntary
<i>Nominee awaited</i>	<i>Development Construction</i>

**Environmental Services and Water SPC**

<b>Name</b>	<b>Sectoral Interest</b>
Emer Conway	PPN - Environmental/Conservation
Evan Arkwright	Business/Commercial
Padraic O' Lunaigh	PPN - Community/Voluntary
<i>Nominee awaited</i>	<i>Agriculture/Farming</i>

**Housing SPC**

<b>Name</b>	<b>Sectoral Interest</b>
Tom O'Malley	PPN - Community/Voluntary Sector
Billy Wall	Trade Union
John McLoughlin	PPN - Social Inclusion
<i>Nominee awaited</i>	<i>Development/Construction</i>

**Local Community and Cultural SPC**

<b>Name</b>	<b>Sectoral Interest</b>
Ashleigh Connors	Environmental/Conservation
Maureen Bergin	Business/Commercial
Vivien Kelly-Keane	PPN - Community/Voluntary
<i>Nominee awaited</i>	<i>PPN - Social Inclusion</i>

**Climate Action SPC**

<b>Name</b>	<b>Sectoral Interest</b>
Ali Sheridan	Environmental/Conservation
Allan Shine	Business/Commercial
Judith Browne	Community/Voluntary
Thomas Malone	Agriculture/Farming

Following discussion on the calendar of SPC meetings, the members agreed that the date of the first meeting would be approved at this meeting with each SPC agreeing their calendar of meeting dates for the remainder of the year, at their first meeting.

**Resolved** that the following dates were the first meeting dates for the SPC with the calendar of meeting dates for the remainder of the year, be agreed at the first meeting -

Climate Action	Wednesday 11 March @ 10am
Environment and Water Services	Wednesday 11 March @ 2.30pm
Economic Development, Enterprise and Planning	Friday 13 March @ 3.30pm
Housing	Thursday 19 March @ 2.30pm
Transportation Safety & Emergency Services	Thursday 26 March @ 2.30pm
Local Community and Culture	Thursday 02 April @ 2.30pm

**08/0220**

**Gnó an Chathaoirleach/Chairs Business**

The Cathaoirleach stated she had attended a Chinese New Year celebration in Newbridge Silverware recently and wished to extend the councils support to all the Chinese community during this difficult time for their country due to the coronavirus.

**09/0220**

**Comhfhreagras/Correspondence**

The Meetings Administrator confirmed six items of correspondence had been received and circulated to the members with the progress report.

**10/0220**

**Comhdhálacha agus Traenáil/Conferences and Training**

The Meetings Administrator confirmed there were 6 requests for conference and training approval this month.

**Resolved** and agreed by the members present 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

that the following retrospective approval was granted for the attendance of Councillor Liston and Brett to the AILG Module 2 training in Hotel Kilmore, Cavan on 13 February, Councillors Heavey and Behan at AILG Module 2 training in Dooleys Hotel, Waterford on Saturday 15 February. Approval was granted to Councillor Caldwell at the AILG annual conference in The Longford Arms Hotel on 4 and 5 March and Councillors Ryan, Liston and Heavy at the LAMA Spring Training Seminar 2020 in the Sligo Park Hotel on the 12 & 13 March. Approval was granted for the approval to Councillor Behan to attend the Social Housing Training Course in CMG in Sandyford on the 1 March 2020.

### **11/0220**

#### **Public Representatives on External Bodies**

The following adjourned motion in the name of Councillor McLoughlin Healy was considered. That the council, as the appointing body, consider the appropriate response where public representatives appointed to external bodies fail to adhere to proper practice and procedure necessary for good governance of public bodies and of the administration of public funds

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

A report was received from the Corporate Services Department informing the members that members of the council are subject to the Local Government Act 2001 as amended by the Local Government Reform Act 2014 Part 15 – Ethical Framework for the Local Government Service. The Code of Conduct for Councillors, updated in June 2019, Section 13 states:

#### Contraventions

13.1 Where the Council's Ethics Registrar becomes aware of a possible contravention by a councillor of a provision of Part 15 of the Local Government Act 2001, it is his or her duty to bring it to the attention of the Chief Executive and the Cathaoirleach of the Council (or the Chief Executive if the matter concerns the Cathaoirleach). It is a matter for the Chief Executive and the Cathaoirleach (or the Chief Executive, as appropriate) to consider what action should be taken in accordance with the legislation. This may include investigation, referral to the Director of Public Prosecutions or the making of a complaint by the Cathaoirleach/Chief Executive to the Standards Commission.



13.2 The Standards in Public Office Commission supervises the Ethics in Public Office Acts 1995 and 2001, the Local Government Act 2001 (Part 15 Ethical Framework for Local Government Service) and the Regulation of Lobbying Act 2015.

### 13.3 Complaints to the Commission

Complaints can be made to the Commission about:

- A contravention of the Ethics Acts or Part 15 of the Local Government 2001 Act (e.g a failure to disclose an interest or
- A 'specified act', i.e. an act inconsistent with proper performance of official functions

13.4 A court may have regard to the Code in any proceedings for an offence under Part 15 of the 2001 Act, as may the Standards in Public Office Commission in carrying out its functions.

13.5 The Standards Commission will not generally consider a complaint about a contravention of Part 15 until all appropriate local avenues have been exhausted. Complainants should therefore raise the matter with the Ethics Registrar in the first instance. If a person is not satisfied with the outcome of the consideration of the matter following referral to the Ethics Registrar, he or she may make a complaint to the Standards Commission.

Councillor McLoughlin Healy referenced meetings of the KWETB noting that she had been made aware that in-committee meetings were being introduced at the start of board meetings and asked regarding the process around this. She also stated that the KWETB have introduced a requirement that any member of the public who wished to attend a meeting, had to email in advance that they are attending. Councillor McLoughlin Healy further referenced the nomination process to schools Boards of Management and asked that it be put on record that she was aware that concerns had been raised about this, at public meetings by new KWETB board members. Councillor McLoughlin Healy asked whether the relevant section of legislation had to be identified when making a complaint under ethics legislation.

Ms Aspell confirmed the procedure had been set out in the response to the motion and that the Ethics Registrar assessed how any complaint received is progressed, in the context of the relevant legislation.

**Resolved** on the proposal of Councillor McLoughlin Healy, seconded by Councillor Pender and agreed by all members that the report be noted.

**12/0220**

**Fly-tipping Offenders**

The following motion in the name of Councillor Wyse was considered.

That the council confirms that it now has the power to request homeowners to provide evidence of how they dispose of their household waste and provides a report outlining how these powers and any other available methods, are currently being used to combat repeat fly-tipping offenders.

The motion was proposed by Councillor Wyse and seconded by Councillor Farrelly.

A report was received from the Water Services and Environment Department informing the members that the principal legislation relating to waste activities is contained in the Waste Management Act 1996 as amended. Specifically, the council has powers under this Act (Section 18) requiring householders to provide information on measures taken for the disposal of waste. These are invoked by the council on a regular basis.

The members will also recall adopting Waste Management Byelaws 2018 (which became effective in March 2019) on the segregation, storage and presentation of household and commercial waste. These bye-laws govern a range of related issues, including obliging consumers to participate in an authorised waste collection service or to provide documentary proof on what alternative means they use to dispose of their waste as well as encouraging greater segregation of waste to reduce volumes of residual waste collected.

Section 18 of the Waste Management Act has proven to be a more expedient method of seeking information on how individuals' household waste is disposed of, and the council regularly uses this element of the legislation as a means of gathering information as a preliminary to taking enforcement action. Fifty-six such notices were served in the last twelve months.

The following enforcement actions against illegal waste activities are taken as the situation demands:

- Audits and Inspections to assess the nature and extent of the illegal activity.
- Warning Letters to advise an operator of non-compliance with waste legislation as well as providing instruction on how to bring about compliance.
- Statutory Notices providing legally binding instruction to an operator to provide information (Section 18 of the Waste Management Act)

The council works with all stakeholders (the Waste Enforcement Regional Lead Authority (WERLA), other Local Authorities, the EPA, An Garda Síochána, etc.) to ensure efficient use of resources and coherent enforcement of environmental law.

Both WERLA and Kildare County Council ran extensive media campaigns including local radio last year. Subsequent to a proposed further awareness campaign by WERLA in 2020, the council intends to carry out targeted inspections in selected areas across the county.

In addition, the council has produced a helpful leaflet on managing waste and preventing litter at home and at work which was circulated to appx. 70,000 households and businesses during 2019.

Regarding the 'segregation, storage and presentation' of waste, the council's wardens monitor this aspect and issue fines where appropriate. Indeed, the situation seems to have improved in the main towns since the introduction of the byelaws.

Councillor Wyse stated he was happy with the report but noted that the existing penalties were not working and asked if the fines could be increased in Kildare by way of bye-law or if not, could the council write to the Minister requesting an increase.

Mr Boland confirmed fines are set nationally but assured the members that the wardens are very focussed on this issue and are extremely vigilant. He also confirmed that where feasible, fines are pursued as vigorously as possible.

The members supported Councillor Wyse's motion and noted all the good work being done in the area but asked that consideration be given to a more incentive based system as it was necessary to change people's cultural behaviour, similar to what had happened with plastic bags. Mr Boland stated he would be happy to issue correspondence to the Minister on the members behalf, asking that relevant sanctions, particularly financial fines, be substantially increased as a priority.

**Resolved** on the proposal of Councillor Wyse, seconded by Councillor Farrelly and agreed by all members that the report be noted and a letter issue to the Minister for Communication, Climate Action and the Environment asking that relevant sanctions, particularly financial fines, be substantially increased as a priority.

**13/0220**

**Extended Economic Development Committee**

The following motion in the name of Councillor Moore was considered.

That the members, having studied the Mid-East Regional Development Plan, agree to form an extended Economic Development Committee, to include Economic Development, Enterprise and Planning SPC members, to address with newly elected Kildare TDs and Senators, the need to pursue the designation of a southern economic corridor from Dublin, along the M7/Dublin/Cork rail to Monasterevin, to underpin further economic development in central Kildare.

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

A report was received from the Corporate Services Department informing the members that this was a matter for the members to agree.

Councillor Moore noted that the necessary amendments to the County Development Plan was made to have regard to the Mid-East Regional Development Plan which he personally had been reluctant to do. He acknowledged the role the Merits building would have for economic development in the county along with Maynooth University and emphasised the critical mass and population and the need for economic development around Naas and Newbridge. Councillor Moore stated that the SPC would need to meet more than 4 times a year to address this significant issue.

Councillor McEvoy outlined the role the Eastern and Regional Assembly had in the Mid-East Regional Development Plan and confirmed the hierarchy had been set at the top level and that it was up to Kildare to respond within that framework and dispelled the view that this could be changed. Councillor Moore responded that plans can change, and it would be up to the Chair of the Economic Development, Enterprise and Planning SPC to call a meeting with the national representatives and stated that he would be happy to take the lead on any such subcommittee.

**Resolved** on the proposal of Councillor Moore, seconded by Councillor Duffy and agreed by all members that the report be noted and at their first meeting, the members of the Economic Development, Enterprise and Planning SPC agree to invite in national representatives to underpin further economic development in County Kildare.

#### **14/0220**

#### **Invitation to IFA**

The following joint motion in the names of Councillors Dooley and Doyle was considered.

That the council invite representatives from the IFA to give a presentation on the significant changes that are facing the agricultural sector, the overall impact it is having on their ability to do

business and what supports we in the council can give them, in what is one of this county's most important industries.

The motion was proposed by Councillor Dooley and seconded by Councillor Doyle.

A report was received from the Corporate Services Department informing the members that this is a matter for the members to agree.

Councillor Dooley stated that Kildare was a rural county and the farming community needed to be supported in all the ways they were doing business. Councillor Doyle stated the farming community were constantly having to adapt and change the way they do business and they needed to be supported in every possible way.

**Resolved** on the proposal of Councillor Dooley, seconded by Councillor Doyle and agreed by all members that the IFA be invited to give a presentation to council as outlined with the scheduling to be agreed by the Corporate Policy Group.

#### **15/0220**

#### **Progress on Grand Canal Greenway**

The following motion in the name of Councillor Clear was considered.

That a report on the progress to date be given to the elected members on the Grand Canal Greenway from Sallins to Aylmer Bridge on the Kill/Straffan road, that was allocated €1.7 million in June 2019.

The motion was proposed by Councillor Clear and seconded by Councillor Killeen.

A report was received from the Planning and Strategic Development Department informing the Strategic Projects and Public Realm Team, in collaboration with Waterways Ireland, are currently progressing a tender for the procurement of consultants for the detailed design of the Greenway, including pathway design, bank repairs, route signage and all safety measures.

Kildare County Council are currently reviewing possible locations along the Greenway for trailheads and are reviewing ownership issues and access requirements with a view to including the detailed design of these in the tender documents and it was expected that works will commence in Quarter 3 2020.

Councillor Clear stated he would like to meet with the design team as he felt there was a disconnect on how this project was being linked back to Naas. Mr Ryan confirmed that the public realm team have been working on the tender for the detailed design and the council were also reviewing locations for trailheads. Mr Carey added that these were very big and complex projects and in discussing detailed design, the council did not want to be putting any barriers in place as there are strict deadlines to be met.

Following a discussion by the members, it was agreed that a presentation be brought to a meeting of the relevant municipal district committees to discuss any issues arising.

**Resolved** on the proposal of Councillor Clear, seconded by Councillor Killeen and agreed by all members that the report be noted, and a presentation brought to the relevant municipal districts on any issues arising.

#### **16/0220**

#### **Glyphosate Reduction and Elimination**

The following motion in the name of Councillor Hamilton was considered.

That the council produce a county-wide plan for glyphosate reduction and ultimate elimination ready for presentation to the April full council meeting, including trials and experimentation with alternative approaches, reduction of mowing and spraying, creation of more wild and biodiversity friendly spaces, and a public awareness campaign on the benefits on a county-wide basis.

The motion was proposed by Councillor Hamilton and seconded by Councillor Power.

A report was received from the Community and Culture Department informing the members that the Parks Department have attended each of the Municipal District meetings outlining trials for alternatives to glyphosates to be undertaken in each of the Districts. Following the trials, the Parks Department will make a presentation to council on the effects or otherwise, at the earliest opportunity.

Councillor Hamilton noted the contents of the report and stated the council need to show leadership on this matter and a changed approach to the issue of glyphosate introduced noting that many of the measures are cost neutral. He added that tree planting plans should be included and asked that a review of county wide proposals be brought to the April meeting of full council.

Ms Kavanagh stated the Parks Department had no problem attending the April meeting as requesting noting that Mr Wallace and his team had already attended all the municipal district meetings in February as a discussion had to be held at municipal district level first.

**Resolved** on the proposal of Councillor Hamilton, seconded by Councillor Power and agreed by all members that the report be noted, and a presentation made to the members at the April meeting of full council.

### 17/0220

#### **Request for Additional Funds**

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

That as one of the lowest funded county councils in the country per capita, that this council demands additional funds from Government to rectify this discrepancy and inequality.

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

A report was received from the Corporate Services Department informing the members that this is a matter for the members to agree.

Councillor O’Cearúil took the opportunity to thank all those that had taken part in the recent elections and stated that the level of national funding received by Kildare County Council was shockingly low given Kildare was the fastest growing county with a huge population increase both north and south of the county. He further stated that local authority funding nationally averaged at €351 and €209 per capita for Housing and Roads respectively but that in Kildare, funding averaged per capita at €179 for Housing and €209 for Roads. Councillor Ó’Cearúil stated it was a disgrace that the level of funding for Kildare had reduced to this level and stated that the council needed to demand more of the incoming Government in this regard.

Councillor Power welcomed and supported the motion stating the lack of resourcing regarding staff levels also noting that the Chief Executive had already but the members on notice that commercial rates were going to be increased in the future adding that a lot of businesses will be able to sustain this increase but some businesses will not. He also noted there was no link nationally as to how the county is performing ie. levels of VAT paid in the county versus income, and the Government needed to support the Kildare in the work being done.

A discussion took place amongst the members with the following points made:

- Staffing levels in Kildare. per head of capita, was second lowest in the country.
- The Baseline Review Working Group had come up with a formula which needed to be fast tracked to public consultation.
- Lack of staff resources was leading to delays in advancing capital projects, various plans and the delivery of public amenities.
- It would be helpful to see a national report on the numbers of URDF applications/design projects.

Ms Millane noted the members concerns and stated Kildare County Council had been seeking higher resources for 17 years and the Department had already acknowledged we were seriously underfunded via the needs and resources model but that the LPT model was supposed to address some of these discrepancies. She confirmed that each year, the Finance department issue correspondence to the Department seeking additional funding adding that the council loses €1.3M LPT revenue on new builds which is highlighted to the Department every year.

The Chief Executive stated the matter had also been raised at CCMA level but that each Chief Executive is trying to get the best for their own council but added the perception out there was that Kildare was a wealthy county which is not the case.

Following further discussion, the members agreed to write to the Department of Housing, Planning and Local Government as outlined and include that the council calls on the Baseline Review Working Group to issue a progress report with initial findings on its work to date.

**Resolved** on the proposal of Councillor Ó'Cearúil seconded by Councillor Power and agreed by the members present that the report be noted and the council writes to the Government to demand additional funds to rectify the discrepancy and inequality of funding given to Kildare County Council to include that the council calls on the Baseline Review Working Group to issue a progress report with initial findings on its work to date.

### 18/0220

#### **Budget for Emergency Accommodation**

The following motion in the name of Councillor Liston was considered.

That the council re-examines the financial contribution required of homeless families living in emergency accommodation, with a view to its removal from the 2021 budget.



The motion was proposed by Councillor Liston and seconded by Councillor Hamilton.

A report was received from the Housing Department informing the members that in accordance with Section 10 of the Housing Act 1988, the Minister for Housing, Planning and Local Government contributes Exchequer funding to housing authorities in respect of costs incurred in the provision of accommodation and related services for homeless people. Section 10 funding is contingent on decision-making on the disbursement of Exchequer funding being in accordance with Government policy.

Kildare County Council, as the Mid-East Regional Lead Authority on Homelessness, has responsibility for the disbursement of Exchequer funding. At present the Mid-East Regional Authorities of Wicklow, Meath and Kildare request that a financial contribution is received from those living in emergency accommodation. Equally, people availing of accommodation services provided by external agencies/NGOs contribute towards the cost of the provision of the necessary services.

Kildare County Council, supported Tenancy Sustainability Officers, Homeless Outreach Officers, Social Workers and Homeless Support services, consider that the nominal accommodation charge is reasonable and warranted. In addition to the provision of homeless accommodation, the council engages with individuals, many with complex needs, to ensure they are provided with the skills to sustain tenancies, which includes budgeting and personal finance management, as they exit the temporary emergency accommodation system to independent living.

Subject to the agreement of the elected members the issue raised in Councillor Liston's motion can be referred to both the Housing SPC (once established) and the Mid-East Region Statutory Management Group for review and recommendations, having regard to national and regional policies.

Councillor Liston noted the contents of the report stating the rationale for the €40 was not in the report and asked that consideration be given to a sliding scale of charges such as that used in the Dublin authorities. Councillor Liston asked that the charge be removed with immediate effect with the matter considered subsequently by the SPC.

Ms Aspell confirmed that the matter had been examined and the €40 fee was an average of the differential rent and suggested the correct route would be to review it in more detail via the SPC and through the Mid-Eastern Regional Authority.

Councillor Liston asked that the €40 charge be removed from budget 2021 and review it at the SPC subsequently. Ms Aspell again asked that the matter be reviewed by the SPC and regional forum. The members agreed that the motion be referred to the Housing SPC and the council start at a “zero” basis for budget 2021 with the formal decision to be made at the statutory budget meeting.

**Resolved** on the proposal of Councillor Liston, seconded by Councillor Hamilton and agreed by all members that the report be noted, the motion be referred to the Housing SPC and the council start at a “zero” basis for budget 2021 with the formal decision to be made at the statutory budget meeting.

### 19/0220

#### **Properties in Kildare available on Airbnb**

The following motion in the name of Councillor Pender was considered.

That the council confirms the number of properties in Kildare that are currently available to rent under Airbnb; how many of these properties are being rented for less than 90 days and have registered for exemption with us as their local authority; how many of these are properties that are being rented more than 90 days and have applied for planning permission for a change of use; and if there are currently any properties in Kildare that are year-long short-term lets and therefore prohibited in Kildare due to our Rent-Pressure Zone status.

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

A report was received from the Planning and Strategic Development Department informing the members that nine properties submitted Registration Forms in 2019 and one in 2020 under the short-term lettings regulations that came into effect on 1 July 2019 under the Residential Tenancies (Amendment) Act 2019. The Planning Department has taken two enforcement cases in relation to Airbnb's and both uses have ceased following enforcement action.

The council does not have information in its records that would give the number of properties in Kildare that are currently available to rent under Airbnb, how many properties that are being rented more than 90 days have applied for planning permission for a change of use and any properties in

Kildare that are year-long short-term lets and therefore prohibited in Kildare due to our Rent-Pressure Zone status. A team is being put in place in the Planning Department to carry out further investigation and action in this regard.

Councillor Pender noted from the report that nine properties had submitted forms to register with the council and suggested that based on his own research, the figures were much higher. He asked where the council's information derived from and what growth was in order. Mr Ryan stated the council had been relying on self-declaration to date but confirmed that the Department of Housing Planning and Local Government had agreed to fund staff to oversee this body of work.

**Resolved** on the proposal of Councillor Pender, seconded by Councillor Killeen and agreed by all members that the report be noted.

### **20/0220**

#### **Slí na Sláinte**

The following motion in the name of Councillor Peggy O'Dwyer was considered.

That the council outline its current program of works and routes related to the Slí na Sláinte in county Kildare and any future routes planned.

The motion was proposed by Councillor Peggy O'Dwyer and seconded by Councillor Keatley.

A report was received from the Kildare Sports Partnership informing the members that the Irish Heart Foundation has developed 15 Slí na Sláinte routes in Kildare which are provided to actively promote walking and are suitable for all ages and abilities.

Kildare Sports Partnership facilitates the development of Slí na Sláinte routes through linkage with the Irish Heart Foundation, who assess proposed routes and calculate the costs of signage etc. The Irish Heart Foundation are currently carrying out an assessment and costings for a proposed new route at the new LIDL Distribution Centre in Newbridge. It should be noted that Kildare Sports Partnership does not have a budget to cover the cost of Slí na Sláinte projects and costs must be sourced locally (eg LPT).

Councillor O'Dwyer noted the contents of the report and expressed her surprise that the council was suggesting Slí na Sláinte be funded through Local Property Tax. Councillor Keatley referenced the availability of Community Enhancement Grants and stated the council needed to be ready for these announcements when they come out.

Ms Kavanagh noted this was exactly the reason why the Public Realm Team had been put in place adding the CEP scheme was for groups to apply for small scale capital programme works. She noted that walkways had been made available through LEADER in local GAA's but that the motion had specifically related to council funded schemes. She outlined potential issues with these routes due to signage/access to public lands etc but she was happy to discuss any potential route with the members. The Cathaoirleach referenced development levies relating to the new Lidl Distribution centre outside Newbridge and queried whether the recreational and amenity element of these levies could be used for this purpose.

**Resolved** on the proposal of Councillor Peggy O'Dwyer, seconded by Councillor Keatley and agreed by all members that the report be noted, and the matter revisited in relation to available funding for such projects in Kildare.

### **21/0220**

#### **Stillbirth Register**

The following motion in the name of Councillor Cussen was considered.

That Kildare County Council requests that the Minister undertakes the following: That the stillbirth register and stillbirth certification be removed and be replaced with a birth certificate and death certificate for babies who are stillborn, so that babies who are stillborn can be registered on the birth and death register and can receive the same state records of their existence as everyone else. Parents whose babies who are currently listed on the stillbirth register should be given the opportunity to have their babies placed on the birth and death register and to receive a birth and death certificate for their babies.

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

A report was received from the Corporate Services Department informing the members that this is a matter for the members to agree.

**Resolved** on the proposal of Councillor Cussen, seconded by Councillor Breen and agreed by all members that the motion be referred to the Minister as outlined.

### **22/0220**

#### **Special Education Needs**

The following motion in the name of Councillor Farrelly was considered.

That Kildare County Council calls on the Department of Education and Skills to acknowledge and address its failure to provide appropriate special education needs (SEN) places for children in Kildare with autism, thus acting in breach of The Education Act of 1998 which obliges the State to provide all persons, including those with disabilities, with support service and a high quality of education appropriate to meeting their needs and abilities.

The motion was proposed by Councillor Farrelly and seconded by Councillor Killeen.

A report was received from the Corporate Services Department informing the members that this is a matter for the members to agree.

**Resolved** on the proposal of Councillor Farrelly, seconded by Councillor and agreed by all members that correspondence issue to the Department of Education and Skills as outlined.

### **23/0220**

#### **Commuter Services from County Kildare to Dublin**

The following motion in the name of Councillor Killeen was considered.

That the council calls for significant increases to all peak commuter-time bus services from County Kildare to Dublin and increased bus services to smaller towns, to call for new and improved orbital services; for increases to all of the Dublin Bus, Go Ahead and Bus Éireann fleets to provide the buses needed to put adequate supply / services in place as there is a lack of sufficient public transport options to meet the needs of commuters and this is impacting communities economically.

The motion was proposed by Councillor Killeen and seconded by Councillor Farrelly.

A report was received from the Roads, Transportation and Public Safety Department informing the members that the provision of public transport is primarily a matter managed by the National Transport Authority (NTA), the transport authority for the Greater Dublin Area and the public transport licensing agency for Ireland. It is involved in the supply of various public transport services in Ireland, including being the Contractor for the Public Service Obligation (PSO) contracts – Iarnród Éireann, Dublin Bus, Go Ahead and Bus Éireann.

Under the Public Transport Regulation Act 2009 (PTR Act 2009), the National Transport Authority is responsible for the licensing of public bus passenger services.

Licensed public bus passenger services are often called 'commercial bus services', as they are operated without any public subsidy from the NTA. They are also called 'route licences' as different routes are individually licensed by the NTA.

The PTR Act 2009 defines public bus passenger services as where:

Each journey is used by members of the public,

A charge or charges are paid in respect of each passenger, and

save where the NTA otherwise determines:

The service is provided on a regular and scheduled basis, and

Carriage is provided for passengers between specified terminal points or a specified route, or otherwise in accordance with a published timetable.

Bus services which do not require a licence include:

Those provided solely for the transport of children to or from school, excluding third level education.

Those that are subject to a public services contract with the NTA, entered into under the Dublin Transport Authority Act 2008

International services.

In practice, this means that regular scheduled services (including student services), services to go to a specific event or venue (e.g. concerts) and services that are targeted to a specific group of passengers (e.g. tourists, social event attendees) all require a licence.

Anyone who is tax cleared may apply for a licence. Applicants who do not hold a Road Transport Operators Licence may apply once they can prove that they have the capacity to provide the service. Once the complete application is received and validated by the NTA, it is considered in line with the requirements of the PTR Act 2009 prior to making its decision.

The requirements include taking account of:

The demand or potential demand that exists for the public bus passenger services, to which the application refers, by considering the needs of consumers.

Any existing public bus passenger services on or in the vicinity of the route to be served by the proposed public bus passenger services.

The impact the proposed service would have on public passenger transport services that are subject to a public transport services contract on or in the vicinity of the proposed route

The NTA has three decision options:

To grant the proposed services in full; or

To part-grant the proposed services, this can include refusing certain parts of the application, offering different service times, offering different stop locations; or

To refuse the application in full.

Members should be aware that the CPG recently agreed to receive a presentation from the NTA at 12 o'clock on the day of the March full council meeting on the 30 March.

Following discussion, it was agreed that Councillor Farrelly would co-ordinate the issues the members wished to raise with the NTA and that this document would issue to the NTA in advance of their attendance at the March meeting of full council.

**Resolved** on the proposal of Councillor Killeen, seconded by Councillor Farrelly and agreed by all members that the report be noted and that Councillor Farrelly would co-ordinate the issues the members wished to raise with the NTA and that this document would issue to the NTA in advance of their attendance at the March council meeting.

The meeting concluded.