# KILDARE COUNTY COUNCIL Minutes of meeting of Full Council held at 3:00 p.m. Monday 20 December 2021 on Microsoft Teams

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

Also Present: Ms S Kavanagh, Interim Chief Executive, Ms A Aspell, Mr E Ryan, Ms E Wright, Mr J Boland (Directors of Service), Ms M Higgins (A/Director of Service), Ms B Sweeney (A/Head of Finance), Ms C O'Grady (Meetings Administrator), Ms K Keane (Meetings Secretary) and other officials.

The Cathaoirleach welcomed everyone to the December meeting of full council reminding them of the protocols on speaking times and sought their co-operation in speaking with brevity to ensure an efficient use of the time available.

# 01/1221

# **Bereavements**

The Cathaoirleach extended his sympathy to the family of the late:

Padge Kehoe, retired Technician Kildare NRDO.

Gerard (Gerry) Dolan, Brother of Máire Dolan, Kildare DTTAS Support Office

Joe Bergin, former councillor with Athy UDC 1974-1985.

A minute's silence was observed.

#### 02/1221

# **Declaration of Interests**

The Cathaoirleach sought any declarations of interests from the members, as required under Section 177 of the Local Government Act 2001, as amended.

There were no declarations of pecuniary or beneficial interests declared as required under Section 177 of the Local Government Act 2001, as amended.

# 03/1221

# **Minutes and Progress Report**

The council considered the minutes of the budget meeting held on 22 November 2021, the monthly meeting held on 29 November 2021 together with the progress report.

**Resolved** on the proposal of Councillor M Leigh, seconded by Councillor S Moore and agreed by the majority of members present that the minutes of the budget meeting on 22 November 2021, be adopted.

**Resolved** on the proposal of Councillor M Leigh, seconded by Councillor S Moore and agreed by the majority of members present that the minutes of the monthly meeting on 29 November 2021, be adopted.

The progress report was noted.

# 04/1221

# Chief Executive's Monthly Management Report

The members noted the Chief Executives monthly management report.

# 05/1221

# Comhairle na Nóg

The Cathaoirleach welcomed members of Comhairle na n'Óg to the meeting and stated that his interest and involvement in politics had started from his time as a member of his local Comhairle branch. The Comhairle representative thanked the members for inviting them to their meeting and stated there were a number of Comhairles in the county in Athy, Kildare, Newbridge, Naas/Clane and Leixlip/Celbridge with approximately 240 members taking part each year. They confirmed that Comhairle was a means for young people to have their voices heard on the decisions being made locally that may affect their lives. They outlined the work they had been involved with in 2020 and 2021 and stated that they hoped to build further links with Kildare's elected members in 2022.

They outlined the various different ways they were involved in the decision process locally, outlining the work they had done in relation to issues around Drugs and Alcohol abuse and confirmed Equality had been chosen as their 2022 work programme topic. They concluded their presentation by saying they would like to have a greater link with County Councillors in Kildare in 2022 and to have voices of young people heard at a greater level in decision making and policy development and outlined a number of proposals in this regard.

The Cathaoirleach thanked the representatives from Comhairle on the members behalf and complimented them on their excellent presentation. He noted their aim to have a greater link with the elected members in the coming years and undertook to send the members details to them following the meeting to establish a point of contact in each Municipal District. He concluded by stating he would be happy to support them for the rest of his term as Cathaoirleach.

#### 06/1221

# Appointment of members to Committees and Other Bodies

The members considered a report on the appointment of members to Committees and Other Bodies. The Meetings Administrator confirmed that notification had been received from Councillors Peter Hamilton, Aoife Breslin, Ivan Keatley and Joe Neville confirming that they were stepping down from their role of Chairperson of the Climate Action, Local Community and Culture, Economic Development, Enterprise and Planning and Transportation Safety and Emergency Services SPCs respectively, effective from the 13 December 2021.

The Meetings Administrator confirmed that in accordance with the Strategic Policy Committee Scheme 2019-2024, vacancies in the position of Chair of an SPC should be filled from among the existing councillor members of that SPC and that new appointments to the role of Chair of the four SPC's outlined, would require the agreement of the council.

She also confirmed that notice was received from Councillors Angela Feeney, Joe Neville and Naoise Ó'Cearúil that they were stepping down from their position as nominated representative of Kildare County Council on KWETB, LAMA and IPB respectively, and that new nominees would be required to be selected for these, with the agreement of council also.

The Cathaoirleach called for nominations for the position of Chairperson of the Strategic Policy Committees as outlined.

# Appointment of a Chairperson to the Economic Development, Enterprise and Planning SPC

Councillor Brian Dooley proposed Councillor Rob Power to the position of Chairperson of the Economic Development, Enterprise and Planning SPC. Councillor Anne Connolly seconded the proposal.

There were no further nominations to the position.

**Resolved** on the proposal of Councillor Brian Dooley, seconded by Councillor Anne Connolly and agreed by the members, Councillor Robert Power was appointed as Chairperson of the Economic Development, Enterprise and Planning SPC.

# Appointment of a Chairperson to the Transportation, Safety and Emergency Services SPC

Councillor Carmel Kelly proposed Councillor Paul Ward to the position of Chairperson of the Transportation, Safety and Emergency Services SPC. Councillor Suzanne Doyle seconded the proposal.

There were no further nominations to the position.

**Resolved** on the proposal of Councillor Carmel Kelly, seconded by Councillor Suzanne Doyle and agreed by the members, Councillor Paul Ward was appointed as Chairperson of the Transportation, Safety and Emergency Services SPC.

# Appointment of a Chairperson to the Climate Action SPC

Councillor Nuala Killeen proposed Councillor Bill Clear to the position of Chairperson of the Climate Action SPC. Councillor Suzanne Doyle seconded the proposal.

There were no further nominations to the position.

**Resolved** on the proposal of Councillor Nuala Killeen, seconded by Councillor Suzanne Doyle and agreed by the members, Councillor Bill Clear was appointed as Chairperson of the Climate Action SPC.

# Appointment of a Chairperson to the Local Community and Culture SPC

Councillor Aoife Breslin proposed Councillor Carmel Kelly to the position of Chairperson of the Local Community and Culture SPC. Councillor Veralouise Behan seconded the proposal. There were no further nominations to the position.

**Resolved** on the proposal of Councillor Aoife Breslin, seconded by Councillor Veralousie Behan and agreed by the members, Councillor Carmel Kelly was appointed as Chairperson of the Local Community and Culture SPC.

The Cathaoirleach called for nominations to the vacancies on the Other Bodies as outlined.

# Appointment of a member to the Kildare Wicklow Education and Training Board

Councillor Suzanne Doyle proposed Councillor Nuala Killeen to fill the vacancy on the Kildare Wicklow Education and Training Board. Councillor Carmel Kelly seconded the proposal. There were no further nominations to fill the position.

**Resolved** on the proposal of Councillor Suzanne Doyle, seconded by Councillor Carmel Kelly and agreed by the members, Councillor Nuala Killeen was appointed to the Kildare Wicklow Education and Training Board.

# Appointment of a member to LAMA

Councillor Suzanne Doyle proposed Councillor Naoise Ó Cearúil to fill the vacancy on LAMA. Councillor Noel Heavey seconded the proposal.

There were no further nominations to fill the position.

**Resolved** on the proposal of Councillor Suzanne Doyle, seconded by Councillor Noel Heavey and agreed by the members, Councillor Naoise Ó'Cearúil was appointed to LAMA.

# Appointment of a member to IPB

Councillor Suzanne Doyle proposed Councillor Joe Neville to fill the vacancy on IPB. Councillor Peggy O'Dwyer seconded the proposal.

There were no further nominations to fill the position.

**Resolved** on the proposal of Councillor Suzanne Doyle, seconded by Councillor Peggy O'Dwyer and agreed by the members, Councillor Joe Neville was appointed to IPB.

# 07/1221

# Section 141 Reports from Other Bodies

The members considered reports from members appointed to Other Bodies, pursuant to Section 141 of the Local Government Act 2001 as amended. The following reports were received at the December meeting:

- County Kildare Failte Company CLG (Into Kildare)
- Irish Public Bodies Mutual Insurance
- Kildare and Wicklow Education Training Board

• South Western Regional Drugs & Alcohol Taskforce

The Cathaoirleach asked the members to direct any questions they had on these reports to the members appointed to the relevant bodies.

In reference to the report provided by the members appointed to the KWETB, Councillor McLoughlin Healy noted that there was no reference in the report to the Thorne report that had issued in June that year, and in which the reviewer had expressed the opinion that there was a significant risk due to the capacity of the Board to deliver corporate governance. She stated that the purpose of the Section 141 reports was to report back to the members on all relevant matters and updates related to the committees or organisations that they were nominated to.

The Cathaoirleach noted the comments made and reiterated that members could direct any questions they had on these reports to the members appointed to the relevant bodies. The reports were noted.

#### 08/1221

#### Draft River Basin Management Plan 2022-2027

A presentation was made to the members on the Draft River Basin Management Plan 2022-2027 by Mr C Flynn, A/Senior Engineer in the Environment Department. The presentation contained five elements, including detail about the river basin management plan itself; the condition of Kildare's waters nationally and locally; the main themes contained in the plan; an overview of measures proposed and details on how to make a submission and get involved locally.

The Cathaoirleach asked the members to refer any questions they had on the plan directly to Mr Flynn after the meeting. He also sought confirmation on whether a briefing could be given at Municipal District level to deal with the more localised issues members might want to discuss. Mr Flynn stated that this could be arranged.

During the discussion that ensued, the members raised the following points:

- Clarity was sought around spheres of governance between the different bodies that had a responsibility in the area of water supply/water quality/quality of drinking water etc.
- Who had responsibility for draining works in a catchment area.
- Was there any indication of what type of farming caused the most amount of pollution of the watercourses, and what were the other threats outside of farming, that threaten our water courses.
- Who was responsible for water courses that run through private lands.

Mr Boland noted the members comments and stated there was a number of different entities involved in governance, each having a statutory role, and stated he would follow the matter up with LAWPRO.

#### 09/1221

#### Finished, Unfinished and Estates Under Construction

The members considered the report previously circulated in relation to Finished, Unfinished and Estates Under Construction. Ms Barrett noted that the queries that had been submitted by Councillor Wyse prior to the meeting would be responded to by the end of the week, and that queries from Councillor Durkan would be addressed early in the new year.

The members thanked Ms Barrett and her team for the work involved in compiling the report and made the following comments:

- Would it be possible to provide quarterly report updates to the Municipal District Committees.
- What was the position in relation to estates not yet taken in charge and Jakes Law.
- At what stage did new estates come into the realm of being checked for the taking in charge process, and clarification was sought on whether the number of problem estates are reducing in number.
- Were there any circumstances where water and wastewater were not taken in charge, and only the roads abutting the development were taken in charge.
- Would the Building Control team attend upcoming Municipal District Committee meetings to deal with queries relevant to the MD's.

Ms Barrett stated it would not be possible to provide quarterly reports to the Municipal District Committees given the time it took to compile and sanitise these reports, however she confirmed her team could attend meetings to discuss the report with the members, as relevant to their MD. She confirmed that the council did not do partial taking in charge and once new estates were finished construction, the TIC process proceeded from that point. She also stated that the number of problem estates in the county was reducing. Ms Barrett also referred to an issue previously raised by the members, where they had indicated there were going to write to the Minister with regard to Insolvent Developers and she awaited any feedback they had in this regard.

#### 10/1221

# Gnó an Cathaoirleach/Cathaoirleachs Business

The Cathaoirleach drew the members attention to the proposed dates for the CDP planning workshops that had been circulated in advance of the meeting and asked that they note these dates in their diaries. He also referenced the presentation and report the members had received from Abarta in relation to the Brigid 1500 project, and the suggestion that each Municipal District Committee allocate €20k to it. He asked the members to formally note the report. The members agreed.

The Cathaoirleach congratulated the Naas Senior Football Team and the Naas Hurling team on their qualification for the upcoming Leinster Senior and Intermediate Finals. He also wished Killcullen GFC well in their upcoming Junior Leinster final. He stated he had been delighted to attend the recent opening of the Lyreen Bridge, Maynooth which was in his own Municipal District and commended the work of the council in bringing this project through to completion. He concluded by thanking the members and the executive for their support since his election as Cathaoirleach, and wished everyone a very Happy and safe Christmas.

**Resolved** with the agreement of the members, the report from Abarta in relation to Brigid 1500 was noted.

# 11/1221

# Comhfhreagras/Correspondence

The Meetings Administrator confirmed three items of correspondence had been circulated to the members with the Progress Report, including a response from the EPA in relation a motion referral from the full council and two motion referrals from other local authorities. The correspondence was noted.

#### 12/1221

# **Conferences and Training**

The Meetings Administrator confirmed there were no conferences or training for the council to approve that month. She confirmed that the council had sourced a training provider for Children First training and further communication would issue to them shortly to establish the demand for this training.

#### 13/1221

# **Housing Allocations Policy**

The following motion in the names of Councillors Nuala Killeen, Aidan Farrelly, Mark Leigh, Aoife Breslin, Angela Feeney, Ciara Galvin, Anne Breen, Vanessa Liston, Peter Hamilton, Colm Kenny, Suzanne Doyle, Tracey O'Dwyer, Evie Sammon and Veralouise Behan was considered by the members.

That of the homes available for allocation in 2022 in Kildare that the Housing department work with domestic violence service providers to develop a system for the allocation of a specific number of units in each Municipal District to use as transitional accommodation units for families seeking to flee domestic abuse situations and that the housing allocations policy be amended to acknowledge the exceptional needs of applicants seeking accommodation transitioning from refuge centres.

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

A report from Ms A Aspell, Director of Services, Housing and Corporate Services stated that in 2017 the Department of Housing, Planning and Local Government [now the DHLGH] issued a guidance document to housing authorities in relation to assisting victims of domestic violence with emergency and long-term housing needs. Housing authorities play an important role for victims of domestic violence in relation to emergency accommodation needs, but also in preventing homelessness by addressing long-term accommodation needs. The role that can be played by housing authorities is, however, chiefly limited to assisting those households that are qualified for social housing support, but also in ensuring that those that may be eligible for supports are appropriately assessed.

Tusla is the lead agency with responsibility for the provision of domestic violence services in the State. In relation to the provision of accommodation, funding under the Capital Assistance Scheme is available to approved housing bodies to meet the housing needs of victims of domestic violence. Such proposals must be progressed in collaboration with Tusla who must confirm that any support services required have been provided for.

The Mid-East Region Homelessness Action Plan 2021-2023, adopted by the 3 local authorities of Kildare, Meath and Wicklow in March/April 2021, contains objectives relating to domestic violence, including a key value-added action to "develop formal structures, at county level, to facilitate a coordinated approach between services for victims of domestic violence in respect of

homelessness, including data capture". An analysis of households placed in emergency accommodation during the period 2019-2020 highlighted domestic violence as one of the primary contributing factors to homelessness in the region.

Focus on prevention remains core to the operation of homeless services in the Mid-East Region. Significant work is undertaken to prevent an emergency accommodation placement in the first instance. This has involved the development of systems, protocols and good working relationship with a range of stakeholders. This is particularly fundamental in the prevention of homelessness among key target groups most at risk, including victims of domestic violence. Both Tusla and a provider of domestic violence services in the region have a place on the Mid-East Region Homelessness Forum. A provider of domestic violence services in the county is also represented on our Homeless Action Team.

Where a victim of domestic violence presents to a housing authority best practice would dictate that the case is referred to a specialist domestic violence service so that any particular care needs can be considered and addressed. Victims may have particular needs beyond what can be provided via housing authorities by way of emergency accommodation, e.g. specialist legal or medical assistance may be required. Short-term emergency accommodation (eg B&B/hotel) can be considered to assist people who are unable to return to their homes because of domestic violence on a humanitarian basis without having to assess eligibility for social housing supports. Where a long-term housing need is identified, a social housing assessment will be required.

The national guidance acknowledges that housing authorities will not have unused accommodation on standby to be allocated to newly qualified households. However, being qualified for entry on to the list allows households to pursue other supports that are provided by the State – e.g. Housing Assistance Payment, Rental Accommodation Scheme, Rent Supplement – and to access an independent tenancy in the private rented sector.

The Department of Justice is currently engaged in a review of the strategy on domestic violence, sexual and gender-based violence. Local authorities are engaging in the review process through the County and City Management Association [CCMA].

For information of the elected members, a similar motion was considered by the plenary council in February this year. The members who tabled the motion understood at the time that a provider of domestic violence services in the county was engaging with Tusla with regard to applying for Capital Assistance Funding to provide transition type accommodation.

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Councillor Killeen thanked the Director for her report and for her engagement on the matter stating the lack of available rentals was an issue for people fleeing domestic violence. The members fully supported the motion and thanked the council for their empathetic and compassionate approach to this issue and offered their full support to any proposals forthcoming on this item.

Councillor Galvin stated that Councillor Mark Leigh had co-signed this motion also, but had not been included on the referral and asked that he be included now. The Meetings Administrator noted this and confirmed his name would be added to the motion.

Ms Aspell thanked the members for their comments and stated she was due to meet with the CEO of Teach Tearmain the following week with a view to identifying some step down facility's. She noted that Teach Tearmain had access to funding for this item and emphasised the importance of them engaging with Tusla, as they provided the funding through the HSE. She confirmed the council's role was as a conduit for the Capital Assistance Programme, and that it also engaged on this issue through the Councils Homeless Action Plan. Ms Aspell confirmed there was a national review ongoing at the moment and that there had been a meeting with the Department of Justice where the council's position had been set out.

**Resolved** on the proposal of Councillor Nuala Killeen, seconded by Councillor Aidan Farrelly and agreed by the members present, the report was noted.

# 14/1221

# Provision of Park and Ride & Park and Share Facilities

The following motion in the name of Councillor Noel Connolly was considered by the members. That Comhairle Contae Chill Dara write to the NTA asking them to prioritise the provision of Park and Ride facilities in the County, and the provision of park and share facilities in the vicinity of our key motorway junctions.

The motion was proposed by Councillor Noel Connolly and seconded by Councillor Veralouise Behan.

A report from Ms E Wright, Director of Service, Roads, Transportation and Public Safety Department stated that the NTA, as part of their Greater Dublin Area Transport Strategy 2022-2042 released as a supporting document the "Park and Ride Strategy: Greater Dublin Area" report prepared by their Strategic Park and Ride Development Office. The Transportation and Planning Departments are engaging with the NTA in developing the outline designs for the proposed sites identified in the report and the Council will be updated when the details are available. Councillor Noel Connolly stated that a substantial number of citizens do not have access to walking and cycling routes and the option proposed would provide a sustainable solution for all. He noted that the strategy provided for 1000 and 500 spaces in Sallins and Kill respectively, and that a similar proposal was needed for the south of the county. Councillor Veralouise Behan supported the motion as a lot of the traffic traveling from the south of the county is coming from the bordering counties of Carlow and Laois. Councillor McEvoy proposed that this proposal be included in the council's submission to the Strategy, as the deadline for submissions had been extended to the 10 January 2022.

Councillor Connolly thanked the members for their support and asked that the letter issue as outlined in his motion and separate to that, it be included as part of the council's submission to the Strategy. The members agreed.

**Resolved** on the proposal of Councillor Noel Connolly, seconded by Councillor Veralousie Behan and agreed by the members present, the report was noted and correspondence issue to the NTA as outlined and the council include the request in any submission made on the strategy.

# 15/1221

# Sallins Bypass/M7 Widening Capital Project Overrun

The following motion in the name of Councillor Bill Clear was considered by the members. That Kildare County Council deliver an explanatory note in respect of the details that led to the Sallins Bypass/M7 widening capital project that over ran by  $\in$ 80m from a projected cost of  $\in$ 60m and ended up costing  $\in$ 140m; what liability is borne by the council in respect of the concilitary processes that remain to be determined, what capital funds are required to be held back to cover this and what improvements to the procurement process and contracts can be put in place to ensure that this does not recur.

The motion was proposed by Councillor Bill Clear and seconded by Councillor Fiona McLoughlin Healy.

A report from Ms E Wright, Director of Service, Roads, Transportation and Public Safety Department stated that on a point of correction, the Roads and Transportation Department can confirm that the construction cost did not overrun by €80m from a projected €60m ending up costing €140m.

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The tender sum for the construction contract was €61,650,000.00 plus VAT, i.e. €69,972,750.00 including VAT. After an arduous dispute resolution process, the standing conciliator recommended a Final Account Settlement Agreement of €85,542,500.00 plus VAT, i.e. €97,090,737.00 including VAT.

By way of background, the total scheme budget for a project includes for the development of the project from feasibility to close out and delivery. Items included are planning and design, land costs, legal costs, construction cost, contract supervision, archaeology and advance works. The figures presented in the NOAC report represent the aforementioned costs on the scheme not just the construction cost.

Transport Infrastructure Ireland (TII) and the Department of Transport (DoT) agreed to fund the difference in the cost as a result of the Final Account Settlement Agreement, therefore there is no requirement for Kildare County Council to hold back any capital funds.

Councillor Clear accepted the report and noted that any overruns would not impact on Kildare County Councils budgets. He stated that there would always be over-runs in contracts of this magnitude, and it was his view that a Design and Build contract was always going to cause problems. Councillor Clear highlighted the issues around footpaths ending, leading to dangers for children cycling to schools, no public lighting and bad quality landscaping resulting in councillors being asked to assign LPT funding to address these matters. He asked that once the process was finalised, a report be prepared for the members outlining the total cost and the lessons learned from the process.

Councillor McLoughlin Healy supported the motion and asked had an over-run been factored in at the start of the process and what safeguards were in place to monitor the costs as the project advanced. She supported the request for a review to ensure the elected members could fulfil their oversight role in relation to the council's finances.

Ms Wright confirmed that this had been the largest capital project to take place in the county and the project team continued to work on the issues Councillor Clear had highlighted earlier. She stated it had been a very difficult project due to it being carried out on a "live" site and that as it was a Public Works contract, the council did not have full control over it. She confirmed that a report will come back before council by Quarter 2 of 2022.

**Resolved** on the proposal of Councillor Bill Clear, seconded by Councillor Fiona McLoughlin Healy and agreed by the members present, the report was noted and a report would come back before council by Quarter 2 of 2022.

### 16/1221

# Serviced Sites Purchased from the Council

The following motion in the name of Councillor Noel Heavey was considered by the members. That Kildare County Council urgently considers the setting up of a working group to bring forward a range of options for possible inclusion in the County Development Plan to facilitate people wishing to build their own homes on serviced sites purchased from the council.

The motion was proposed by Councillor Noel Heavey and seconded by Councillor Daragh Fitzpatrick.

A report from Mr E Ryan, Director of Service, Planning and Strategic Development stated that in accordance with the requirements of NPO 18b (National Planning Framework), the Draft Kildare County Development Plan which is currently being prepared will include a Small Towns and Villages Strategy which identifies lands specifically and solely for the provision of serviced sites to facilitate people wishing to build their own homes in rural County Kildare.

Councillor Heavey stated that the current process of housing delivery was overcomplicated and that the council should be facilitating people that are interested in designing and building their own homes, to do so. He asked the council to consider the delivery of serviced sites in both urban and rural areas throughout the county.

Mr Ryan confirmed the councils County Development Plan was required to align with the requirements of NPO 18b and that the Governments plan for the delivery of housing was via the Housing For All policy. He confirmed the council were currently exploring the possibility of council owned sites being used for serviced sites and that any such sites would be offered at a much more discounted rate than those on the open market. He proposed that this topic be explored further during the course of the CDP planning workshops. Councillor Weld noted that the delivery of housing via this model would require further discussion at the Housing SPC and that a Private Sites policy would be required. The Cathaoirleach noted the comments made and proposed that the matter be discussed further at the relevant CDP planning workshop.

Resolved on the proposal of Councillor Noel Heavey, seconded by Councillor Daragh Fitzpatrick

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and agreed by the members present that the report was noted and the topic would be discussed further at the relevant CDP planning workshop.

It was agreed that the January meeting be held online.

There being no further business, the Cathaoirleach thanked the members and the executive for their assistance to date and wished everyone a Happy and safe Christmas.

The meeting concluded