

KILDARE COUNTY COUNCIL
Minutes of meeting of Full Council
held at 3:00 p.m.
Monday 22 February 2021 on
Microsoft Teams

Members Present: Councillor M Stafford (Cathaoirleach), Councillors 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, N Ó'Ceairúil, 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, P Ward, B Weld and B Wyse.

Apologies: Councillor VL Behan and Mr J Boland, Director of Service.

Also Present: Mr P Carey, Chief Executive, Ms A Aspell, Ms S Kavanagh and Mr E Ryan (Directors of Service), Ms C Barrett (A/Director of Service), Ms F Millane (A/Head of Finance), Ms B Sweeney (Financial Accountant), Mr K Kavanagh (Senior Executive Officer), Ms C O'Grady (Meetings Administrator), Ms K Keane (Meetings Secretary) and other officials.

The Cathaoirleach welcomed everyone to the online February meeting of full council. He confirmed that the Press and the public were attending via email on Teams and advised all attendees that recording was prohibited. He outlined the protocols around online meetings and asked for everyone's cooperation on same.

01/0221

Bereavements

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

Mr Micheál Patrick Behan father of Councillor Vera Louise Behan Athy Municipal District.

Former Councillor and Cathaoirleach of Kildare County Council Mr. Patrick Hyland of Oghill, Monasterevin who was Cathaoirleach in 1981.

Frances Haskins, sister of Raymond O'Shaughnessy Environment.

Mr. James (Jim) Reel father of David Reel Transport.

Mr Michael Lennon father of Joan Meehan, Library and Arts Service.

Mrs Anna Kane, mother of Mick Kane (Transportation) and mother in law of Brendan Sinnott (also Transportation) and Marie Kane (Community).

Mrs Sheila Whelan mother of Sharon O'Gara Public Realm Team.

A minute's silence was observed.

02/0221

Minutes and Progress Report

The council considered the minutes of the monthly meeting on 25 January 2021 together with the progress report.

Resolved on the proposal of Councillor B Caldwell seconded by Councillor K Duffy and agreed by the members present that the minutes of the monthly meeting on 25 January 2021 were adopted.

03/0221

Chief Executive's Monthly Management Report

Resolved on the proposal of Councillor B Caldwell seconded by Councillor P McEvoy that the Chief Executive's monthly management report for February be noted.

04/0221

Section 85 Agreement with South Dublin County Council

The Cathaoirleach sought the members approval to take the three Section 85 agreement items listed on the agenda together. The members agreed.

Pursuant to Section 85 of the Local Government Act 2001 as amended, the members considered the proposed Section 85 agreement with South Dublin County Council in relation to the Leinster Embankment and Footbridges Contract 2021 – Bridge Rehabilitation Works at the following structures (draft Section 85 agreements and explanatory notes):

- i. SD-M50-023.90 Scholarstown Pedestrian Footbridge
- ii. SD-N81-005.00 St. Dominic's Road Footbridge
- iii. SD-M50-014.00 Tymon Park Footbridge
- iv. SD-N07-002.00 Tay Lane Footbridge
- v. SD-N04-008.00 St. Loman's Footbridge

Resolved on the proposal of Councillor Fitzpatrick, seconded by Councillor Hamilton and with the agreement of the members present that Kildare County Council enter into a Section 85 agreement with South Dublin County Council in relation to the Leinster Embankment and Footbridges Contract 2021 – Bridge Rehabilitation Works, under Section 85 of the Local Government Act 2001, as amended.

Section 85 Agreement with Louth County Council

Pursuant to Section 85 of the Local Government Act 2001 as amended, the members considered the proposed Section 85 agreement with Louth County Council in relation to the Leinster Embankment and Footbridges Contract 2021 – Bridge Rehabilitation Works at the following structures (draft Section 85 agreements and explanatory notes):

- i. Embankment on N52 at Ballygowan, Ardee

Resolved on the proposal of Councillor Fitzpatrick, seconded by Councillor Hamilton and with the agreement of the members present that Kildare County Council enter into a Section 85 agreement with Louth County Council in relation to the Leinster Embankment and Footbridges Contract 2021 – Bridge Rehabilitation Works, under Section 85 of the Local Government Act 2001, as amended.

Section 85 Agreement with Fingal County Council

Pursuant to Section 85 of the Local Government Act 2001 as amended, the members considered the proposed Section 85 agreement with Fingal County Council in relation to the Leinster Embankment and Footbridges Contract 2021 – Bridge Rehabilitation Works at the following structures (draft Section 85 agreements and explanatory notes):

- i. FG-N02-014.00 N2/M50 Interchange Footbridge

Resolved on the proposal of Councillor Fitzpatrick, seconded by Councillor Hamilton and with the agreement of the members present that Kildare County Council enter into a Section 85 agreement with Fingal County Council in relation to the Leinster Embankment and Footbridges Contract 2021 – Bridge Rehabilitation Works, under Section 85 of the Local Government Act 2001, as amended.

05/0221

Gnó an Cathaoirleach/Cathaoirleachs Business

The Cathaoirleach read a statement into the record in relation to the Mother and Baby Homes as follows:

“In relation to the Publication of the Final Report of the Commission of Investigation into Mother and Baby Homes and on behalf of the members, the Chief Executive and staff of the County Council of the County of Kildare, I wish to apologise wholeheartedly and without equivocation to the women and children who suffered as a result of this councils failure to look after some of the most vulnerable and terrified people entrusted in our care. Forgotten and abandoned, many had to endure the most unbearable cruelties. We remember the many young women and babies that died in tragic circumstances in these Homes.

During the period from 1926 to 1998 the period of the terms of reference of the Report of the Commission of Investigation into Mother and Baby Homes, the County Home in Athy had a maternity unit attached.

Overall responsibility for the homes owned by a local authority rested with the local authority. They were responsible for the upkeep, improvements, and oversight. I welcome the Government Action Plan and hope that the Government proceeds with implementation with all due haste.

I wish to acknowledge in addition to those women and children who were resident in the County Home, those from Kildare that may have been sent to similar institutions and in other parts of the country and those survivors who have now made their homes in County Kildare and your families we acknowledge our failings to support you, protect you and keep you safe and for that we are sorry”.

The Chief Executive joined with the Cathaoirleach in issuing the wholehearted apology confirming Kildare County Council would actively participate in all that was required of it following publication

of the Final Report of the Commission of Investigation into Mother and Baby Homes. He confirmed the council would listen to survivors and their stories and offer practical assistance where possible.

06/0221

Comhfhreagras/Correspondence

The Meetings Administrator confirmed fifteen items of correspondence had been received and circulated to the members, which comprised of twelve motion referrals from other local authorities, a copy of the letter that issued to the Department of Housing Local Government and Heritage following Councillor Farrellys motion, a copy of correspondence that had issued to Irish Water from the Chief Executive in relation to Councillor Tracey O 'Dwyer's motion, and a copy of correspondence received from Senator Robbie Gallagher.

07/0221

Conferences and Training

The Meetings Administrator confirmed there was one online training event listed for this month titled the Overview of Planning Enforcement, which had no cost attached and which had been agreed by CPG for listing at full council for approval.

Resolved with the agreement of the members that the Overview of Planning Enforcement training be approved.

08/0221

Kildare Pollinator Action Plan 2019-2022

Ms Bridget Loughlin Heritage Officer made a presentation to the members on the Kildare Pollinator Action Plan 2019-2022. The Cathaoirleach welcomed the Plan and a lengthy discussion took place among the members who were unanimous in their praise for the Plan and the work of the Council and the Heritage Officer in this regard. The Chief Executive welcomed the members comments and acknowledged the work that had gone into the Plan noting with pride that the Rathcoffey Community Garden project had been featured on a recent Nationwide programme.

Resolved on the proposal of Councillor Ó'Cearúil, seconded by Councillor Killeen and agreed by the members present that the Kildare Pollinator Action Plan 2019-2022 be noted.

09/0221

Draft Litter Management Plan 2020-2023

Mr Kavanagh confirmed that the Litter Pollution Act required the council to prepare this Plan which detailed the measures to be taken by the council in this area. He confirmed this plan would replace the 2016 Litter Management Plan and that it had been reviewed and considered extensively in 2020 and 2021.

Councillor Doyle, Chair of the Environmental and Water Services SPC stated she saw this plan as a starting point as a lot of work was planned around audits of bins, a more comprehensive approach to drugs and alcohol waste, pilot initiatives involving public and private partners and looking at levels of apathy in this area with a view to making positive changes. She confirmed that a large number of submissions had been received from Tidy Towns groups who play a hugely important role in this area.

A lengthy discussion took place with the following points raised:

- Commitment to do an audit of bins much needed and appreciated by the members
- More community wardens needed, in addition to the use of CCTV
- Ongoing issues around dog fouling/waste especially given increase in dog ownership since the pandemic began
- Increased resources needed in the area, both financial and human
- Consideration be given to an enhanced communication campaign with a clear message

Mr Kavanagh thanked the members for their feedback and confirmed that awareness communication was referenced in the Plan and an objective to review the suitability and location of existing bins. He also confirmed that the street sweeping programme was being reviewed, which cost €2m annually. Mr Kavanagh reiterated that the Any Bag Any Bin campaign was still relevant to dog waste and there was no budget/commitment to recruit any additional wardens. He confirmed that a communication campaign had already started on KFM and the Green Kilometre scheme would be continuing. He confirmed the SPC were very proactive on the issue of litter and illegal dumping but that the level of fines was a national issue, noting a 'name and shame' approach by the council was not now allowed. He concluded by confirming reference to drug paraphernalia would be included in the plan and a draft wording would issue to the members in this regard.

Resolved on the proposal of Councillor Moore, seconded by Councillor Pender and agreed by the members present that the Litter Management Plan 2020-2023 be adopted.

10/0221

Draft Kildare 2025 Economic Development Strategy

Ms Kavanagh stated that the draft Economic Strategy for County Kildare was the culmination of a lengthy consultation process with key stakeholders that reflected the current and future challenges and opportunities facing Kildare's economy and our communities. She confirmed that the strategy had the benefit of the input and experience of a range of people including County Kildare's Economic Forum under the stewardship of Mr Padraig McManus, who worked in unison with the Economic Development team in Kildare County Council to produce the ambitious plan. She confirmed the draft was also considered by the Economic Development, Enterprise and Planning Strategic Policy Committee who supported its development and production and thanked Councillor Keatley and the members of the Strategic Policy Committee for this. She added that the elected members of Kildare County Council had always supported a pro-business approach and their adoption of this 5-year plan was an important milestone in that regard.

Ms Kavanagh outlined the eight key areas of focus that were critical to the future economic success of the council and confirmed that each of these high-level objectives were underpinned by three enabling actions ie. Invest in People, Invest in Place and Strengthen our Bidding Capacity for Funds. By implementing this framework, she stated that additional economic opportunities could be created for the county to supplement its successes in an agricultural, equine, industrial and tourism-based economy.

The Chief Executive thanked the members for their support confirming the plan was a very pragmatic document which brought the Business Community on board and which showcased the work the local authority does in this area. He noted that the input of Maynooth University was central to what was being done as Kildare was a fast moving and dynamic council and that it would be enhancing its communications around economic development in the county. He confirmed this was a fluid document which would be reviewed every 5 years and that he was very confident the council would deliver the majority of the actions included.

The Cathaoirleach and members thanked the Director, and all those involved for producing such a pragmatic and quality document.

Following a lengthy discussion, the following proposals were made by the members for inclusion in the strategy:

- Include an objective on how the work of Tidy Towns feeds into the tourism/economic development/quality of life element of the strategy
- Include an objective around enhancing the councils bidding capacity for national and international funds
- Include Peatways in Section 6.2, which is consistent with national policy
- Increased emphasis needed in relation to sustainable tourism ie. The Curragh
- Increased emphasis needed on Built Heritage and Tourism
- Increased emphasis needed on the Greenways element, as Kildare is in the unique position of having 2 Greenways passing through the county

Councillor Keatley thanked the Director, the Head of Enterprise, the Economic Forum and the Economic Development SPC members for all their work on this. He agreed with the comments around bidding capacity stating the council needed to align with European and national funding. He thanked staff for engaging with EMRA and confirmed that the document was aligned to the National Development Plan.

Ms Kavanagh thanked the members for their engagement and feedback noting this was a working document and their suggestions would be addressed as part of the ongoing work programmes. She confirmed there would be a separate Tourism Strategy that would encompass the issues raised by the members around tourism and concluded by confirming the Economic Development team was a growing team, and they would specifically keep the bidding capacity issue in mind.

Resolved on the proposal of Councillor I Keatley, seconded by Councillor P McEvoy and agreed by the members that the Draft Kildare 2025 Economic Development Strategy be adopted.

11/0221

Protocol and Procedures Committee Referral

To consider report in relation to Standing Orders for Municipal District Committees

Ms O'Grady confirmed that a further request had been received by the Protocol and Procedures Committee to provide an option to submit a question in lieu of a motion at Municipal District Committee meetings. She confirmed that the Protocol and Procedures Committee had agreed this additional recommendation to the draft standing orders and the draft set of standing orders would be updated to reflect this along with a revised report, which would issue to the members for their

March municipal district meetings. She reiterated that it was recommended that Standing Orders for Municipal District Committees should be consistent across all the Municipal Districts.

Councillor McLoughlin Healy sought clarification on what was being proposed and repeated her request that the standing orders be reviewed to ensure they were not ultra vires.

Councillor McEvoy confirmed that the draft Standing Orders were informed by the Local Government Act, the Planning Act and Departmental Guidelines that had issued previously and there were no legal concerns on what was coming before the members.

The Cathaoirleach sought the members approval to refer the draft Standing Orders for Municipal District Committees, to the March Municipal District meetings for consideration and adoption.

Resolved on the proposal of Councillor D. Fitzpatrick seconded by Councillor A. Feeney with 30 members in favour, 1 member against and no abstentions, it was agreed that the draft Standing Orders for the Municipal District Committees would be listed on their March agendas for consideration and adoption by each Municipal District Committee.

12/0221

Cost of TIC estates by Municipal District

The following adjourned motion in the name of Councillor Seamie Moore was considered by the members.

That members be given a summary report per Municipal Area of the approximate net cost to Kildare County Council of the taking in charge of housing developments that will no longer receive developer finance or have no bond insurance.

Councillor Moore stated he accepted the updated report as given.

A report from the Roads, Transportation and Public Safety Department stated the information at Appendix A (attached) had been extracted from the report circulated to members at the Plenary council meeting in December 2020, and each of the Municipal District meetings throughout January 2021. Where more up to date information is available this has been inserted and a date noted in brackets in the "Bond Type" column.

It should be noted that the total figure of unrecoupable bond monies does not necessarily correspond with the actual costs involved in bringing estates to a taking in charge standard. Each estate would need to be assessed separately to provide cost estimates of the work involved to bring it to a taking

in charge standard. In order to assess each estate for taking in charge standard, a CCTV survey of the foul and storm lines, a manhole survey and a leak detection survey of the watermain would need to be carried out to identify any remedial works required underground. In estates where a pumping station is present this would also need to be snagged. All above ground snag items and outstanding completion works would then need to be identified. As-constructed drawings/vesting maps/taking in charge maps would need to be prepared. Irish Water approval would also need to be sought prior to recommending taking in charge. Funding would need to be identified to carry out all of these works.

Given the level of construction activity under way in the county, and the need to monitor these sites on an ongoing basis, the Development Control Section unfortunately does not have the resources to carry out surveys to prepare approximate costings as outlined.

In addition to ongoing monitoring of active building sites to minimise obstacles to taking in charge in the future, the technical staff in the Development Control Section have prioritised a number of estates and are actively working in each MD Area to progress several estates to taking in charge standards before with the intent of bringing them to the relevant MD meetings throughout the year. However, resources are finite, and attention cannot be given to all estates throughout the county at the same time.

13/0221

Deferral of payment of councillor travel expenses

The following adjourned motion in the name of Councillor Chris Pender was considered by the members.

That in light of the switch over to fully online meetings and the fact that many councillors no longer need to travel for council meetings, that this council investigate and implement a voluntary system for the deferral of payment of travel expenses.

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

An updated report was received from the Corporate Services Department informing the members that as you are aware, Kildare County Council approved the amendment to its Standing Orders in November 2020 to facilitate remote meetings and agreed to trialling the December meeting of full council as a fully remote meeting. It was subsequently agreed at the December meeting, that due to the ongoing pandemic that all statutory meetings of council and Municipal Districts in January 2021 would be fully remote meetings and this was reaffirmed for the February meetings at the

January meeting. The decision with regard to further online meetings is to be confirmed by the members.

We contacted the Department of Housing, Local Government and Heritage for advice in relation to members expenses and any changes that might be required on foot of the legislation and statutory instrument which allowed local authorities to decide to hold statutory meetings at an electronic, digital, or virtual location, web address or conference call telephone number.

The Department have confirmed as follows, “that in responding to the Covid emergency, the Minister’s priority and that of local authorities themselves has been to ensure that elected council meetings could be convened during the ongoing pandemic in order that councils are able to continue to exercise their necessary statutory functions while minimising the public health risk to councillors, staff and media/public attending.

To assist this objective, an Order was made by the Minister on 20 October 2020 that gave remote meetings of Councils the same status in law as meetings that take place in a physical space for the purpose of votes taken and decisions made.

It was a matter for each elected council to decide how or if it wishes to avail of the Order allowing remote meetings. It has enabled some Councils to convene fully remote meetings, while others continue to meet in person (in larger meeting venues) or in a hybrid physical/remote format.

In relation to expenses, it is important to point out that the Councillors’ Annual Expenses Allowance is a composite allowance made up of a number of different elements, one of which is a payment based on attendance at a notional number of council meetings every year, but also takes into account the travel a councillor is required to do in his/her electoral area in fulfilling the role of community representative. The applicable 2014 expenses regulations provide a basis for expenses payments to be made to members for “participation” in relevant statutory meetings, as per the definition of “attendance” in the 2014 Regulations:

“attendance” means...participation in the business of such meeting as a member of the relevant authority...”

Any changes to the existing remuneration package payable to Councillors will require new Regulations, which must be made by the Minister with the agreement and counter signature of the Minister for Public Expenditure and Reform.

In light of the commitment in the Programme for Government to implement the Moorhead Report (ie the Review of the Role and Remuneration of Local Authority Elected Members led by Ms Sara Moorhead SC), discussions are underway between this Department and the Department of Public Expenditure and Reform in that regard.

Implementation of the Report will require a significant reform of the current remuneration regime for councillors, as it recommends an overhaul of the financial supports provided for councillors, including a rebalancing of financial supports for councillors in favour of more normalised salaried income as applies to other types of office holders.

Councillor Pender acknowledged that councillors were still traveling in the course of their duties as a councillor and referenced newspaper articles the previous November and December where some councillors in other local authorities had returned their expenses and proposed that any monies returned in Kildare, could be put towards a community project.

Ms O Grady stated she was not aware of any request to return monies by councillors in Kildare and reiterated that it was a matter for the members to return monies and/or disperse them to other organisations.

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

At this point in the meeting, Councillor S Doyle confirmed to the Cathaoirleach that she was withdrawing her motion that was listed on the agenda at item no 23.

14/0221

Grace period on new housing policy changes

The following adjourned motion in the name of Councillor Kevin Duffy was considered by the members.

That the council provide a grace period on new housing policy changes that have been recently implemented until they are full communicated and understood by members and existing applications who are being impacted by these changes; e.g. changes on HAP requirements when the landlord is a family relation – requirement for 3 months full rent before HAP can be approved.

The motion was proposed by Councillor Duffy and seconded by Councillor T O'Dwyer.

A report was received from the Housing and Corporate Services Department informing the members that from the inception of the Housing Assistance Payment [HAP] scheme, HAP applicants and landlords, who have a family relationship, have been required to provide evidence that a genuine tenancy exists and, in the event that the tenancy existed prior to the HAP application, applicants were required to provide proof of rent payment.

The procedure on inter-family tenants is now being formalised to ensure that there is a consistent approach across all HAP applications; the procedure is being appended to all HAP applications so that landlords and applicants will be aware of the procedure in advance of making an application. The procedure is being applied to applications received from the 01/01/2021, applications received prior to this have been reviewed and we are confident that such applicants are not adversely affected by this procedure, however if the Members have any particular cases they wish to discuss please make contact with Siobhán Scully in the HAP Section.

Councillor Duffy acknowledged the hard work of all the staff in the Housing Department and stated his motion was to ensure that the information was being provided during the transition period to the new procedure, so as to ensure the community is aware of the councils policies and procedures in this regard.

Councillor Killeen sought clarification on the time period to apply when a property has already been rented out for a year prior to the HAP application. Ms Aspell stated she understood it was a period of 3 months but that she would confirm this after the meeting.

Resolved on the proposal of Councillor Duffy seconded by Councillor T O'Dwyer and agreed by the members present that the report be noted.

15/0221

Register of procurement frameworks

The following motion in the name of Councillor Fiona McLoughlin Healy was adjourned to the February meeting of full council.

That the council provide the register of procurement frameworks employed by the council including details of the start and end date of the framework, outlining any frameworks out of date.

Councillor McLoughlin Healy stated she accepted the updated report as given.

An updated report was received from the Finance Department for the February meeting informing the members that the report on the register of procurement frameworks originally issued to council in January.

It confirmed that Councillor McLoughlin Healy had subsequently requested detail of suppliers where the framework listed 'multiple suppliers' or '3 suppliers' – these have been updated in the register circulated for the February meeting.

Cllr McLoughlin Healy subsequently asked for the suppliers for departments that have not listed them – however this register includes all suppliers that are used through procurement frameworks. Any other suppliers to Council are not procured using a framework.

Councillor McLoughlin Healy has sought clarity on the difference between the following categories:
- In contract, Yes, No, Roll over, Tendering and Framework established.

These are not categories in the procurement framework. However, to provide clarity with regards to the register circulated for the February meeting

- The 'Establishment Date' is the date the framework was set up. The frameworks on the first tab are all currently in use by Kildare County Council.
- When setting up a framework it is usually done for a period of 1 – 4 years (with some exceptions), with 1-year renewal extensions built in. Exceptions are based on categories – so, for example, legal services which are a Title 3 service, can be for longer and can be awarded under more flexible arrangements.
- The renewal date is the next date where the contract is scheduled to be renewed/extended for a further year.
- The expiry date is the date the framework was originally due to end based on the original terms of the framework.

16/0221

Final report of the Commission of Investigation into Mother and Baby Homes

The following joint motion in the names of Councillors Nuala Killeen and Aoife Breslin was considered by the members.

That Kildare County Council acknowledges the final report of the Commission of Investigation into Mother and Baby Homes and apologises to the women, girls and children impacted from previous county homes and proactively reaches out to survivors and survivor groups to offer practical assistance to survivors and victims, listens to the survivors and asks how we can assist them. That at an appropriate time, an appropriate memorial should be decided in consultation with the survivors and their families.

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

A report was received from the Chief Executive informing the members that following the publication of the Final Report of the Commission of Investigation into Mother and Baby Homes, An Taoiseach Micheál Martin issued a formal apology on behalf of the State to former residents of Mother and Baby Homes. Kildare County Council wishes to echo the sentiments expressed by An Taoiseach, and in particular, to the former residents of the County Home in Athy.

The Government now intends to give detailed consideration to the Report over the coming months with a view to developing a comprehensive Government Action Plan spanning 8 themes, as follows:

1. A survivor-centred approach
2. Apology
3. Access to Personal Information
4. Archiving and Databases
5. Education and Research
6. Memorialisation
7. Restorative Recognition
8. Dignified Burial

Kildare County Council welcomes this and will actively participate with Government in furthering the development of the Government Action Plan as it relates to Local Government. We are committed to supporting local measures in Kildare, that form part of the suite of follow-up actions.

Councillor Killeen thanked the Cathaoirleach and the Chief Executive for the public apology given earlier in the meeting stating survivors had to be front and centre going forward and undertook to be a strong voice for them. She confirmed that the Governments Heads of Burial Bill submission deadline was 12 o'clock the following Friday and encouraged everyone to make a submission. Councillor Killeen stated the 22 recommendations in the published report must be taken on board

by the council and suggested that a sub-committee be formed to build trust and deliver on these recommendations. She asked that every assistance be given to survivors in accessing archive information also.

Councillor Breslin thanked Councillor Killeen for bringing this issue forward and paid tribute to the acknowledgement and apology given by the Cathaoirleach and the Chief Executive earlier in the meeting. As the Cathaoirleach of the Athy Municipal District in which the Athy County Home was situated, she acknowledged that overall responsibility for the homes owned by a local authority rested with the local authority. Councillor Breslin stated it was incumbent on the council to do everything in its power to acknowledge the wrongs done and to help survivors and their families.

A discussion ensued and the members fully supported the motion and the sentiments expressed by all, to acknowledge the wrongs done and as a council, to do everything possible to support survivors and their families.

Councillor Killeen thanked the members for their support and thanked the Cathaoirleach and the Chief Executive for being so open in addressing this issue.

Councillor McLoughlin Healy supported the motion and the importance of the council using its platform to bring survivors voices into the local authority. She sought the members approval to amend the motion to allow for a request to extend the lifetime of the Commission and proposed an amendment to the motion as follows:

That Kildare County Council acknowledges the final report of the Commission of Investigation into Mother and Baby Homes and apologises to the women, girls and children impacted from previous county homes and proactively reaches out to survivors and survivor groups to offer practical assistance to survivors and victims, listens to the survivors and asks how we can assist them and to support their request for an extension to the lifetime of the Commission. That at an appropriate time, an appropriate memorial should be decided in consultation with the survivors and their families.

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

Resolved with the agreement of the members present “That Kildare County Council acknowledges the final report of the Commission of Investigation into Mother and Baby Homes and apologises to the women, girls and children impacted from previous county homes and proactively reaches out to survivors and survivor groups to offer practical assistance to survivors and victims, listens to the survivors and asks how we can assist them and to support their request for an extension to the lifetime of the Commission. That at an appropriate time, an appropriate memorial should be decided in consultation with the survivors and their families”.

17/0221

Maternity and paternity leave for councillors

The following joint motion in the names of Councillors Angela Feeney, Ciara Galvin and Mark Leigh was considered by the members.

That the council issues a letter to the relevant Government ministers calling for maternity and paternity leave for councillors (draft letter previously circulated).

The motion was proposed by Councillor Feeney and seconded by Councillor Galvin.

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

Councillor Feeney stated her motion was tabled to bring Government and its treatment of women into the 21st Century as the current practise was anti-women, anti-parents and anti-family. She stated that the current system for co-option could be used as a model for maternity and paternity leave and sought the members support in addressing this injustice to women in politics.

Councillor Galvin supported the motion stating politicians are people and parents and being able to temporarily co-opt someone to your seat would be a huge advantage to the politician and would also ensure that constituents are still being fully represented.

The members were unanimous in their support of the motion.

Resolved on the proposal of Councillor Feeney seconded by Councillor Galvin and agreed by the members present that the council issues the draft letter that was previously circulated, to the relevant Government ministers calling for maternity and paternity leave for councillors.

18/0221

Transitional accommodation for families that are victims of domestic violence/abuse

The following joint motion in the name of Councillors Fintan Brett, Kevin Duffy, Tim Durkan, Peggy O'Dwyer, Tracey O'Dwyer, Evie Sammon, Mark Stafford and Brendan Wyse was considered by the members.

That the council identify and provide four houses in the county suitable for transitional accommodation for families that are victims of domestic violence/abuse.

Councillor Brett confirmed he and his Fine Gael colleagues accepted the report as given and noted that Teach Tearmain were engaging with Tusla in applying for Capital Acquisition Funding for this accommodation.

A report was received from the Housing and Corporate Services Directorate informing the members 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 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. Tusla is represented on the Mid-East Regional Homelessness Forum, as is a provider of domestic violence services in the region. 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.

It is understood that Tusla has commenced a review of domestic violence services/supports, however, it is possible that the timeframe for the review has been impacted by the pandemic; we will re-engage with Tusla in terms of the review when invited to do so. In the interim, we will continue to work closely with Tusla and providers of domestic violence services.

19/0221

Sustainable Mobility Forum

The following joint motion in the names of Councillors Pádraig McEvoy and Ivan Keatley was considered by the members.

That the council establish a Sustainable Mobility Forum to engage with communities in planning and delivering active travel infrastructure across County Kildare and to pursue Government and EU funding from 2021.

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

A report was received from the Roads, Transportation and Public Safety Department informing the members that a proposal is before the members of the Transport, Public Safety and Emergency Services SPC to re-constitute the 'Cycle Forum' and amend the Terms of Reference to incorporate Sustainable Transport and Mobility. It is envisaged the group will form a sub-group of the SPC, supporting sustainable modes of travel measures and policies. Progressing outcomes such as improved transport services, cycle & pedestrian infrastructure, influencing policy formulation are expected to form part of the group discussions.

Councillor McEvoy thanked the Roads department for the response and enquired what supports the Forum would have. Councillor Keatley supported the reconstitution of the forum and sought clarity of its role.

A discussion ensued with the members seeking clarity on the resources available and the readiness of the council to submit active travel, mainly cycleway projects, for funding.

Suspension of Standing Orders

As it was nearing 6 o'clock, the Cathaoirleach proposed that standing orders be suspended for 5 minutes to conclude the item under discussion. All members present agreed

Councillor Neville, as Chair of the Transport SPC, stated he took the councillors comments on board and that here was going to be a big focus on cycleways but added the council are playing catch up in this regard. He confirmed NTA funding would be available and the council needed to be ready to draw down these funds when the opportunity arises.

Ms Barrett confirmed that the discussion at the SPC had been to widen the operation of the Forum adding the council had completed the sanction request for the additional staff for active travel but that it still had to go through the formal process for sanctions.

Resolved on the proposal of Councillor McEvoy, seconded by Councillor Keatley and agreed by the members, that the report be noted.

Suspension of Standing Orders

The Cathaoirleach proposed a further suspension of standing orders for 30 minutes to conclude the business of the meeting. All members present agreed.

23/0221

Review of HAP

The following motion in the name of Councillor Noel Connolly was considered by the members.

That the council recognises that public housing is best provided by building public homes on public land and that the HAP system is not fit for purpose and agrees to write to the Minister for Housing, Local Government and Heritage stating this and asking him to reform the HAP system including a review of the qualifying income levels and an increase in thresholds and the discretion allowed by Local Authorities and to place a renewed emphasis on the building of public homes on public land and to prioritise funding for this.

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

A report was received from the Housing and Corporate Services Directorate advising that this was a matter for the members.

Councillor Connolly outlined the statistics relevant to Kildare of properties available to rent, the types of properties that were available confirming based on the DAFT.ie website there was currently one 3-bed available to rent in the county and no four beds. He confirmed the Society for Chartered Surveyors had given a cost of €375K to build a 3-bed unit and that currently, it was costing €1,050 a month to rent a 3-bed in Kildare. He further noted that 51% of HAP recipients in Kildare were in receipt of a top-up payment as the rental costs in the county were so high. Councillor Connolly concluded by stating that HAP was not fit for purpose and did not support low income families in any way.

A lengthy discussion took place among the members with the following points raised:

- The review of HAP limits was still awaited as it formed part of the Affordability Bill
- Difficulties tenants have with landlords in trying to avail of HAP
- The council needs to build social housing and be ambitious in its targets for delivery of social and affordable housing
- What land was available in the council's land bank that was zoned for housing and why was it not being built on
- Councils were abdicating all their housing responsibilities to other agencies
- Council needed to utilise every option available to it, to deliver housing supply
- Did the council know what land was available within their landbank, to build housing on

Ms Aspell stated she agreed with a lot of the comments that had been made and the council had been in communication with the Department on the HAP limits for one-bed units and the rates in the north of the county for some time now. She confirmed the new housing strategy was expected

mid-year and the councils build programme would be to the fore. Ms Aspell confirmed the details of the councils landbank relevant to each municipal district had gone to each municipal district committee but could be recirculated. She confirmed the council would be utilising its landbank fully but noted that there would be challenges to the landbank issue and the availability of land to delivery council own social housing due to suitability of some land or location and the cost of procuring land in the county.

Resolved on the proposal of Councillor Connolly seconded by Councillor Pender and agreed by the members present that the council recognises that public housing is best provided by building public homes on public land and that the HAP system is not fit for purpose and agrees to write to the Minister for Housing, Local Government and Heritage stating this and asking him to reform the HAP system including a review of the qualifying income levels and an increase in thresholds and the discretion allowed by Local Authorities and to place a renewed emphasis on the building of public homes on public land and to prioritise funding for this.

24/0221

Retrofit Plan for social housing stock

The following motion in the name of Councillor Peter Hamilton was considered by the members. That the council outline the energy retrofit plan for the council's social housing stock and utilising the funding available from the National Home Retrofit Scheme that addresses the balance between maximising housing unit availability, progress with energy retrofit investments, and funding draw-down.

Councillor Hamilton stated he accepted the report as given.

A report from the Senior Architect stated that as set out in the Programme for Government, a national retrofitting plan is due to be rolled out in 2021 led by the Department of Environment, Climate and Communications (DECC). The targets set within the Climate Action Plan will see 500,000 homes retrofitted to BER B2 nationally by the end of 2030, including private and social homes. In this regard a "Retrofit Taskforce" was established through Government to oversee the design and development of a new national retrofit delivery model/programme (Ref. <https://www.gov.ie/en/publication/f2b3ee-retrofit-taskforce/>).

The Department of Housing, Local Government and Heritage (DHLGH) has allocated €65 million to the retrofit of local authority social housing in 2021. A further allocation for 2021 of €5 million

has been allocated across the Local Authorities to enable them to further resource this retrofitting programme.

Kildare County Council received an initial allocation of €3.3m under the Midland Energy Efficiency Retrofit Programme, a pilot programme to deep retrofit existing social housing stock. Under this pilot programme it is planned to retrofit 80 social housing units across 4 sites in 2021. There is a maximum allocation of €45,300 to be claimed per unit including any input from external consultants with the Local Authority covering any additional cost.

It is planned that the 80 units in the pilot programme will be completed between May and October 2021 and tender documents are currently being completed for the first site. A demonstration project to deep retrofit 4 vacant units is currently under way to allow the project team to fully understand the likely impact of retrofitting in occupied units prior to commencement of the planned 80 units in 2021.

Kildare County Council technical staff have engaged with SEAI in relation to the availability of funding to private homeowners and organised for SEAI to present to elected representatives. We have also liaised with the CARO office in relation to assisting with private homeowners accessing SEAI grants.

Should additional funding become available during 2021 we will review the current 2021 work programme to avail of that funding.

The Cathaoirleach confirmed that as the 30-minute suspension of standing orders had expired, the remainder of the business on the agenda would be adjourned to the March meeting. Given the ongoing level 5 restrictions due to Covid-19, he proposed that the March meetings of council be held on-line. The members agreed.

The meeting concluded.

Appendix A

There are 5 estates within the **Athy Municipal District**, where the Development Bonds have expired, or there are no funds remaining. The amount of these Bonds prior to expiration was €245,395.

DC Ref.	Town/Village	Name of Estate	Bond Type	Bond Company	Bond Expiry
9305	Moone	The Village		Cash	All spent.
9101	Castledermot	Saint Johns	ICC Bank PLC £30,000 (€25,395)	ICC	Expired
9905	Athy	Branswood		Expired	Expired
8113	Calverstown	Cluain Aoibhinn	Allianz €120,000	Allianz	Expired
9102	Castledermot	The Friary	01/1876 Bank of Scotland €100,000	Bank of Scotland	Expired 31st March 2007

There are 10 estates within the **Clane-Maynooth Municipal District**, where the Development Bonds have expired, or there are no funds remaining. The amount of these Bonds prior to expiration was €902,041.61.

DC Ref.	Town/Village	Name of Estate	Bond Type	Bond Company	Bond Expiry
3203(c)	Clane	Churchfield	Allied Irish Bank Bond of £31,000 (€39,361.88)	Allied Irish Bank	Expired 30/06/2002
3215	Clane	Capdoo Park	Construction Industry Federation letter of guarantee. £61,000 €77,454.02 (01/02/2021)	CIF	Expired 31/07/2005
3633	Johnstownbridge	Kilmurray Brook	Bank of Ireland €45,710.57	Bank of Ireland	Expired
3536	Kilmeague	Bodkin Place,	Bank of Ireland €52,000	Bank of Ireland	Expired
3532	Kilmeague	Castlebawn,	€40,000 Bank of Ireland	Bank of Ireland	Expired
3305	Prosperous	Emerson Court	€25,395 - Bank of Ireland	Bank of Ireland	Expired
3113	Kilcock	Shawbridge, Chambers Park, Branganstown	ACC Bank - €622,000 Portion of proceeds of the sale of the commercial units received + €154,972 (01/02/2021)	ACC	Expired
3612	Derrinturn	Graces Park,	Ulster Bank Ireland LTD - €104,000	Ulster Bank	Expired

1203	Maynooth	Meadowbrook Estate	Bank €38,092.14 (01/02/2021)	Irish Bank of Commerce	Expired 30/09/1998
3504	Robertstown	Lowtown View,	€13,000 (01/02/2021)	Ulster Bank	Expired

There are 2 estates within the **Naas Municipal District**, where the Development Bonds have expired, or there are no funds remaining. The amount of these Bonds prior to expiration was €159,046.

DC Ref.	Town/Village	Name of Estate	Bond Type	Bond Company	Bond Expiry
4107	Sallins	Sallins Wharf & Pier	Construction Industry Federation - €140,000	CIF	Expired
4102	Sallins	Osberstown Court,	Bank of Ireland - £15,000 (€19,046)	Bank of Ireland	Until Taken In Charge, will not pay out on this, quoting the statutes of limitation.

There are 15 estates within the **Kildare Newbridge Municipal District**, where the Development Bonds have expired, or there are no funds remaining. The amount of these Bonds prior to expiration was €1,835,599.

DC Ref.	Town/Village	Name of Estate	Bond Type	Bond Company	Bond Expiry
4305	Two Mile House	Stephenstown Court,	(00/884) €29,204 Allied Irish Bank	Allied Irish Bank	Expired.
7106	Kilcullen	Cnoc na Greine	Allianz - €160,000	Allianz bond called in. Cash received	Allianz Bond of €80,000 paid to cover 4 estates
5137	Newbridge	Walshestown Abbey	Allianz Bond of €80,000 paid to cover 4 estates Cnoc na Greine, Walshestown Abbey, Ballymany Manor and Castle Martin. Balance remaining €35,559.05	Allianz bond now Cash €35,559	Cash
3550	Caragh	Caragh View,	De Montford Insurance Company	De Montford Insurance Company	Expired

Kildare County Council

6122	Kildare	Rathbride Close	Bank of Ireland €55,000	Bank of Ireland	Expired
6119	Kildare	White Abbey Court	Bank of Ireland €25,395	Bank of Ireland	Expired
5136	Newbridge	Curragh Grange	Anglo Irish Bank - Reduced to €225,000 on 11/02/08.	Anglo Irish Bank	Expired
6223	Monasterevin	Old Mill Race	Ulster Bank €136,000	Ulster Bank	Expired
5148	Newbridge	Walshestown Park	IIB Bank €924,000	IIB	Expired
7108	Kilcullen	Riverside Manor	IIB - €110,000	IIB	Expired 2010
6330	Nurney	Castle Raven	Allied Irish Bank - €50,000	Allied Irish Bank	Expired June 2003
6301	Ellistown	Red Hills Park	Bank of Ireland -€100,000	Bank of Ireland	Expired Oct 2008
5120	Newbridge	College Orchard	Bank of Ireland - Expired	Bank of Ireland	Expired October 2000
8112	Calverstown	Burrow Manor	ACC Bond €75,000 04/148. Called in March 2015 and May 2020. Unsuccessful.	Bond called in	Unsuccessful
3535	Allen	Allen Court,	Cash €30,000	Cash	Cash spent public lighting bills and tankering effluent.

There is 1 estate within the **Celbridge-Leixlip Municipal District**, where the Development Bond has expired, or there are no funds remaining. The amount of this Bond prior to expiration was €734,000. However, according to our records, there is a Management Company in place and the question of Taking In Charge does not arise.

DC Ref.	Town/Village	Name of Estate	Bond Type	Bond Company	Bond Expiry
2132	Celbridge	Primrose Gate	Construction Industry Federation Letter of Guarantee - €734,000	CIF expired	Expired