

**KILDARE COUNTY COUNCIL**  
**Minutes of meeting of Full Council**  
**held at 3:00 p.m.**  
**Monday 27 September 2021 in**  
**Newbridge Town Hall**

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

**Apologies:** Councillors B Clear, D Fitzpatrick and S Moore.

**Also Present:** Ms S Kavanagh, Interim Chief Executive, Ms A Aspell, Mr J Boland, Mr E Ryan, Ms E Wright (Directors of Service), Ms M Higgins (A/Director 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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The Cathaoirleach welcomed everyone to the September 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. The Cathaoirleach noted the appointment of Ms Sonya Kavanagh as Interim Chief Executive, Ms Evelyn Wright as Director of Service for Roads, Transport and Public Safety and Ms Marian Higgins as Acting Director of Service for Economic Development, Community, Culture and HR and congratulated them on their achievement and wished them all well in their new roles.

**01/0921**

**Bereavements**

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

Mary Delaney (née Fennessy), mother of Siobhan Barry, Housing Department.

Michael (Mick) Nolan, father of Natalie Nolan, Internal Audit.

Michael Clear father of Councillor Bill Clear.

Angela Denver mother of Stephanie O'Sullivan, Fire Service.

Marie (Mary) Penny, mother of Anthony Penny Water Services and mother-in-law of Patricia Penny Maynooth Office.

Lisanne Wilson, sister of Orla Wilson, Corporate Services.

Robert (Bobby) Deegan, father of Mona Deegan, Corporate Services.

Mary Leavy mother of Feona Leavy, Roads & Transport Department.

Ann Cully, former staff member, Water Services Department.

A minute's silence was observed.

#### **02/0921**

#### **Declaration of Interests**

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

#### **03/0921**

#### **Minutes and Progress Report**

The council considered the minutes of the monthly meeting held on the 26 July 2021, the minutes of the special meetings of the council on the 29 June 2021 and 5 July 2021 respectively, together with the progress report.

**Resolved** on the proposal of Councillor Leigh, seconded by Councillor Sammon and agreed by the majority members present that the minutes of the monthly meeting on 26 July 2021, be adopted.

**Resolved** on the proposal of Councillor Peggy O'Dwyer, seconded by Councillor Breslin and agreed by the majority of members present that the minutes of the special meeting of the council on the 29 June 2021, be adopted.

**Resolved** on the proposal of Councillor Caldwell, seconded by Councillor Sammon and agreed by the majority of members present that the minutes of the special meeting of the council on the 5 July 2021, be adopted.

Councillor McLoughlin Healy requested the Cathaoirleach to note her abstention on the question of adopting the minutes referenced above.

The progress report was noted.

Ms Higgins noted that a recommendation from the Decade of Commemoration Committee had been circulated with the Progress Report on foot of a motion referral from full council:-

*That the council provide funding to commemorate all those buried in St Marys Cemetery Athy. This fund will enable the design and construction of a suitable memorial to the memory of all those sadly neglected souls that died in Athy's Workhouse and County Home.*

Ms Higgins confirmed that The Decade of Commemorations Committee was recommending that a suitable memorial is placed in St Mary's Cemetery Athy. The Decade of Commemoration Committee also recommended that each Municipal District provide funding (€12,000 per Municipal District) to reflect the county function of the Poor Law Union workhouse and the subsequent County Home as the memorial will commemorate all those buried in the grounds.

**Resolved** on the proposal of Councillor Rob Power seconded by Councillor Noel Heavey and with the agreement of all members present that the Decade of Commemorations recommendation on funding the memorial, be referred to each Municipal District Committee for consideration at their next meeting.

#### **04/0921**

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

The members noted the Chief Executives monthly management report.

#### **05/0921**

### **Section 85 Agreement**

The members considered pursuant to Section 85 of the Local Government Act 2001 as amended, the approval of a Section 85 Agreement with Wicklow County Council to facilitate the completion of the Blessington Lakes eGreenway.

**Resolved** on the proposal of Councillor Fintan Brett, seconded by Councillor Angela Feeney and agreed by the members present that the Section 85 Agreement with Wicklow County Council to facilitate the completion of the Blessington Lakes eGreenway be approved.

**06/0921**

**Section 85 Agreement**

The members considered the request pursuant to Section 85 of the Local Government Act 2001 as amended, for the approval of a Section 85 Agreement with South Dublin County Council to facilitate efficient progress of the M4 Eastbound Bus Priority Measures Pilot project.

**Resolved** on the proposal of Councillor Nuala Killeen, seconded by Councillor Peter Hamilton and agreed by the members present, that the Section 85 Agreement with South Dublin County Council to facilitate efficient progress of the M4 Eastbound Bus Priority Measures Pilot project, be approved.

**07/0921**

**Kildare Integration Strategy 2020 – 2026**

The members considered the draft Kildare Integration Strategy 2020 – 2026. The Chair of the Local Community and Culture SPC, Councillor Aoife Breslin thanked all those who had been involved in preparing and compiling the report noting that 10.6% of the population in Kildare was currently non-national. She thanked the Steering Committee for their hard work in preparing this report and confirmed it would be launched online on Thursday 30 September and sought the members support in this regard.

**Resolved** on the proposal of Councillor Aoife Breslin, seconded by Councillor Peggy O'Dwyer and agreed by the members present the Kildare Integration Strategy 2020 – 2026, was adopted.

**08/0921**

**Budgetary reports for the 6 months ended 30 June 2021**

The members considered the budgetary reports for the 6 months ended 30 June 2021.

The reports were noted.

**09/0921**

**Bank Overdraft Facility of €4.5million for year ending 31.12.2022**

The members considered a report on the seeking of sanction for continued Bank Overdraft Facility of €4.5million for year ending 31.12.2022. Councillor McLoughlin Healy queried if the amount sought was the same as that sought in previous years. Ms Millane confirmed it was and noted the councils cashflow operated very well, and the request was to ensure there were sufficient funds on a 'given day' basis and was very rarely used.

**Resolved** on the proposal of Councillor Padraig McEvoy seconded by Councillor Peter Hamilton and agreed by the members present to approve a sanction request for a bank overdraft facility of €4.5 million for year ending 31.12.2022.

#### 10/0921

##### **Fix the date of the statutory annual budget meeting**

The members considered the date for the statutory annual budget meeting and agreed it would take place in Newbridge Town Hall on Monday 22 November at 3:00pm. Ms Millane confirmed that as in previous years, an online briefing would take place the previous week, on Monday 15 November at 3:00pm.

**Resolved** with the agreement of the members that the statutory annual budget meeting would take place on Monday 22 November at 3:00pm and an online briefing would take place on Monday 15 November at 3:00pm.

#### 11/0921

##### **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 September meeting

- Drehid Community Liaison Committee
- AILG
- Kildare Town Heritage Company Limited by Guarantee
- Eastern Midland Regional Assembly
- County Kildare Heritage Forum

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

The reports were noted.

#### 12/0921

##### **Gnó an Cathaoirleach/Cathaoirleachs Business**

The Cathaoirleach took the opportunity to thank all those residents of Kildare that had welcomed him to their areas in his role as Cathaoirleach to date. He confirmed he had attended a number of events in the previous month to include a ceremony in Donadea Forest Park to mark the 20<sup>th</sup> anniversary of 9/11. He had attended a number of events throughout the county for Culture Night,

the opening of a cycle café in Crookstown, Athy, he had chaired an MMRT Steering Committee Meeting and had spoken with the University Law Department in Maynooth University. Councillor Ó Cearúil also stated he had the pleasure of launching the Naas Poetry Town event with newly appointed Naas Town Poet Laureate Ms Mary O'Donnell. He concluded by commending and thanking all the staff in Punchestown for the immense work they were doing in rolling out the vaccine programme.

**13/0921**

### **Comhfhreagras/Correspondence**

The Meetings Administrator confirmed nine items of correspondence had been circulated with the Progress Report to the members, including correspondence re responses to motions from councillors and 5 motion referrals from other local authorities.

Councillor Cussen enquired regarding the response received from the OPW in relation to the Petition from the Cathaoirleach regarding The Invincibles. The Meetings Administrator confirmed there was nothing in the Standing Orders for Petitions regarding further correspondence. The Cathaoirleach suggested that the matter be considered by the Protocol and Procedures Committee and asked Councillor McEvoy as Chair of the Committee to have regard to the discussion that had taken place and the issue raised.

The correspondence was noted.

**14/0921**

### **Conferences and Training**

The Meetings Administrator referred to the report circulated in advance of the meeting noting that AILG training was available on the Government Decision on the Reform on Remuneration Payable to Local Authority Elected Members along with an update on Planning and Development Bill 2021 and other Planning Related Matters and was hosted in Sligo on 2<sup>nd</sup> October and Ballinasloe on 7<sup>th</sup> October for Kildare members at a fee of €65. AILG online training on Climate Policy in the Development Plan - On and Offshore Renewables took place on 24 September with no fee for attendance. Ms OGrady also confirmed a request had been received from Councillor Noel Connolly to attend online training events run by the IPA as follows:-

- Preventing and Combating Mortgage Arrears – 18 November - €250
- Preventing and Combating Rent Arrears – 17 November - €250
- Standards for Rented Houses – 19, 20, 26, 27 November - €535
- Planning and Part V for Housing Practitioners – 30 September - €150

The Meetings Administrator further confirmed a request from Councillor Bill Clear was included in the report to take up his place on the Advanced Diploma in Environmental Law in Kings Inns which had been approved previously but which did not commence due to the pandemic. She confirmed that Councillor Mark Stafford had also requested to attend the Advanced Diploma in Environmental Law in The Law Society of Ireland and sought the members approval to the conference and training report as outlined.

**Resolved** on the proposal of Councillor Evie Sammon seconded by Councillor Carmel Kelly and agreed by the members present that the conference and training report be approved.

### 15/0921

#### **Electric Vehicle and EV Charging Point Strategy and Plan**

The following joint motion in the names of Councillors Peter Hamilton, Bill Clear and Ciara Galvin was considered by the members.

That the council prepares an Electric Vehicle and EV charging point strategy and plan in accordance with the guidelines and directions in the Local Authority Electrification of Fleet and EV Charging Guidance Document (August 2021).

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

A report from the Roads Transportation and Public Safety Department stated that the rollout of electric vehicles is aided and enabled by a concurrent rollout of infrastructure at home and in public locations. Home charging will provide most of the charging needed for drivers, with public infrastructure needed for those without home charging facilities and to increase the potential electric miles from vehicles. The development of an EV Charging strategy was recently discussed at the Transportation, Safety & Emergency Services SPC. The work programme 2021/2022 will see work commence on a Draft EV Strategy which will address the progress of fleet transition, identification of the EV charging infrastructure needed and its implementation. The costs of providing EV charging infrastructure include the type of chargers; how many per site; the installation costs – labour, materials, utility upgrades, civil works; lifecycle cost, maintenance and operation costs and will require a funding mechanism to be identified and agreed.

Councillor Hamilton welcomed the report and acknowledged the work of the SPC in this area and stated there needed to be a visible commitment and change forthcoming in this area. He noted the current service in public areas is lacking and that 20% of homeowners will not be in a position to charge vehicles at home. He stated that grant funding was needed to support charging facilities at

visitor locations and for on street and night-time charging. Councillor Galvin supported the motion and enquired on the position in relation to accessing fast chargers as if possible, these should be procured as a priority. Councillor Neville noted that putting chargers on main streets was problematic and this needed to be addressed in the Strategy.

Ms Wright confirmed the Transport SPC would be considering this further and that an assessment of need would have to be carried out. She outlined that the 4 Dublin authorities were currently going to public consultation on such an assessment, and their progress would be monitored and learned from. She confirmed it was envisaged that any such strategy would be considered by the Climate Action SPC also.

**Resolved** on the proposal of Councillor Hamilton, seconded by Councillor Liston and agreed by the members present, the report was noted.

### 16/0921

#### **Development and Planned Implementation of Equality Impact Assessments**

The following joint motion in the names of Councillors Vanessa Liston and Colm Kenny was considered by the members.

That the council provide an update on the development and planned implementation of equality impact assessments.

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

A report from the Housing and Corporate Services Department stated that the Public Sector Equality and Human Rights Duty is a statutory obligation for public bodies in Section 42 of the Irish Human Rights and Equality Commission Act 2014. Section 42(1) requiring public bodies, in the performance of their functions, to have regard to the need to eliminate discrimination, promote equality and protect human rights of staff and people availing of their services. Section 42(2) requires public bodies to assess, address and report on progress in relation to equality and human rights in their strategic plan and annual reports in a manner that is accessible to the public.

Kildare County Council Management Team are currently developing an implementation strategy for the duty, which in the first instance sets out the human rights and equality issues relevant to the functions of the local authority. The implementation strategy, which will be brought before the Corporate Policy Group, calls upon each section to assess their policies and practices from a human right and equality perspective, following which an agreed action plan to address and report



on emerging issues will be implemented. Current equality/human rights impact assessment tools are being reviewed as part of this process, and an appropriate assessment framework will be agreed.

Councillor Liston acknowledged the positive report and stated it was timely given the draft County Development Plan was being reviewed and noting that under Section 42 (2) of the Act, other plans would have their own standalone equality assessments also. Ms Aspell stated the matter would be further considered by Management Team in Quarter 4 2021 on how best this could be rolled out.

**Resolved** on the proposal of Councillor Liston, seconded by Councillor Kenny and agreed by the members present, the report was noted.

### 17/0921

#### **Disability First Playgrounds**

The following motion in the name of Councillor Veralouise Behan was considered by the members.

That the council outline its plans to further develop its playgrounds with a view to approaching the design of such, to be disability friendly first.

The motion was proposed by Councillor Veralouise Behan and seconded by Councillor Robert Power.

A report was received from Economic Development, Community and Culture Department that a design consideration of all recent playground installations in the last 10 years or more has been to include design elements which provide universal access within the playgrounds and also ensuring that the equipment is inclusive so that it can be used by all abilities.

There are 6 older playgrounds which may not be inclusive, particularly for wheelchairs, and are under review. We are also working with the Access Officer to review our existing playgrounds for access needs to see if any further improvements can be carried out to deliver accessible play opportunities. Any works required will have to be considered in the context of the Parks Department current works programme and the existing commitments given to deliver new playgrounds around the county.

Councillor Behan outlined the importance of creating user friendly spaces for all children and their parents and adequate provision in relation to disability first playgrounds should be the council's baseline when such projects are being considered. The members supported the motion noting the

requirements for universal equipment and innovative ideas to ensure play spaces are suitable for all children with additional support requirements and not just in the physical sense, but via an inclusive 'play alongside' approach which was in line with the County Kildare Access Group emphasis on play being about play integration, and not play segregation.

Ms Higgins agreed that accessibility was a key component when delivering playgrounds and which had been taken into account over the last 10 years. She confirmed that 6 playgrounds are being reviewed by the Access Officer currently to bring them up to a better standard in this regard. She also took the opportunity to remind the members of the numerous sensory supports available for children throughout the library service and that sensory gardens and spaces were being made available via the libraries also.

**Resolved** on the proposal of Councillor Veralouise Behan, seconded by Councillor Power and agreed by the members, the report was noted.

#### **18/0921**

#### **Audit on all Pits and Quarries in the County**

The following motion in the name of Councillor Noel Connolly was considered by the members. That Kildare County Council carry out a comprehensive audit on all the pits and quarries in the county, to include all those on the register of quarries and all others which Kildare County Council have any knowledge of, with a view to stopping illegal or unauthorised activity and as part of the audit will invite input from local residents about quarrying activity in their area.

The motion was proposed by Councillor Noel Connolly and seconded by Councillor McLoughlin Healy

A report from the Planning and Strategic Development Department advised that Kildare County Council fulfils its statutory obligations in relation to all quarries within its functional area as required under the Planning & Development Act 2000 (as amended) and the Waste Management Act 1996 (as amended). This includes an examination of every quarry within the County as was required under the provisions of S261A of the Planning & Development Act 2000 (as amended).

This legal requirement required a significant administrative and technical input from the Council over a period of approximately two years. There is an ongoing review and prioritisation of quarries particularly as unauthorised activity comes to light. Should the elected member or members of the public have concerns in relation to any specific quarry within the county, the established and

statutory process is that following the receipt of a complaint the Council will investigate the subject quarry under the enforcement provisions of the legislation and will take all necessary enforcement action.

Councillor Noel Connolly stated he had been contacted by numerous members of the public who were concerned that water tables were being breached and had outlined safety concerns around quarries and pits in their areas. He noted that Kildare was home to a very high number of quarries and that applications for intensification of quarries was increasing and for this reason, the council needed to be proactive in their monitoring role and an audit as proposed would be beneficial in this regard. He also proposed that the matter of applying special levies to quarries be explored further. The members supported Councillor Connolly's comments and sought details on the referred to register of quarries.

Mr Ryan agreed with the concerns raised noting the county's proximity to Dublin resulted in a lot of activity in the quarrying sector. He confirmed the Section 261 process required older quarries to be registered and had involved significant time and resources. He stated that work was continually reviewed with some quarries no longer in use, and that the matter of special levies should be considered during the review of the Development Contribution Scheme. He asked the members to report any queries or complaints they received to the Planning Department for investigation and follow up where necessary.

The Cathaoirleach proposed that the councillors directly affected by this issue would liaise further with the Planning department on this.

**Resolved** on the proposal of Councillor Noel Connolly seconded by Councillor McLoughlin Healy and agreed by the members present, the report was noted.

### 19/0921

#### **Analysis on the Ratio of Housing Staff Per Capita Across all Local Authorities**

The following motion in the name of Councillor Suzanne Doyle was considered by the members. That the council seek a comparative analysis from the Department of Housing, Heritage and Local Government on the ratio of staff per capita across all local authorities, and that this data be broken down under each division/section with details of numbers at each grade level.

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

A report from the Human Resources Department informed the members that notwithstanding this motion has yet to be considered and agreed by council, the statistical information and breakdown sought in relation to the ratio of staff per capital across all local authorities has been requested from the Department of Housing, Heritage and Local Government and can be reported on when received.

Councillor Doyle expressed her thanks for the report noting that Kildare was a dynamic county with a young and growing population and needed to be adequately resourced to deliver services appropriately and as required. She stated that outside the four Dublin authorities, Kildare dealt with the highest rate of SHDs planning applications in the country, but it lacked the resources to manage all the associated services that comes with such developments. Councillor Doyle acknowledged the immense pressure there was on the housing department and its staff in delivering the myriad of services, stating there just was not enough resources – staff or financial - to deliver it all. She concluded by saying the method of recruitment in the public service took far too long which was causing huge challenges in the delivery of services. She asked that once received, the response to the motion be brought back to the members for further discussion.

**Resolved** on the proposal of Councillor Doyle seconded by Councillor Caldwell and agreed by the members present, the report was noted.

## 20/0921

### **Traveller-specific Accommodation**

The following motion in the name of Councillor Aidan Farrelly was considered by the members. That the council outline it's plan (including indicative timelines) to progress the six recommendations made by the Irish Human Rights and Equality Commission's account of the Kildare County Council Equality Review, in respect of Traveller-specific Accommodation.

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

A detailed report was issued by the Housing Department setting out Kildare County Council's response to the recommendations raised by the IHREC and indicative timelines for implementation (see Appendix 1)

Councillor Farrelly welcomed the report stating that the three most common issues raised by the Equality Commission related to traveller-specific accommodation was a) underspend in the area, b) poor baseline information and c) the difficulty in the ability to identify travellers true

accommodation preference. He welcomed that the council had scheduled a mid-term review and asked that the analysis of the 2019 and 2020 spend be included in that review and brought back to the members. He stated he was unhappy that there was no Tenant Liaison Officer for travellers and that the inclusion of Homeless HAP was the only response for homeless travellers, which they were very likely to be refused access to.

Ms Aspell confirmed that the Housing SPC and the Local Traveller Accommodation Consultative Committee considered traveller accommodation at their meetings and based on sectoral experience, it was not feasible for one person to solely carry out the role of a traveller Tenant Liaison Officer. She confirmed Kildare had a specific Traveller Accommodation unit who were supported by the Housing Departments Tenant Liaison Officers and that a robust structure was in place in accordance with the guidelines.

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

#### **21/0921**

#### **Domestic Wastewater Treatment System**

The following motion in the name of Councillor Brendan Wyse was considered by the members. That the council outlines the formal procedure for facilitating discussions with planning applicants in order to determine alternative design options for a Domestic Wastewater Treatment System where the council has deemed a site unsuitable for discharge to ground, as set out in Section 5.1 of the current Code of Practice for Domestic Waste Water Treatment Systems published by the Environmental Protection Agency in June 2021.

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

A report from the Planning Department stated that the Code of Practice (CoP) for Domestic Waste Water Treatment Systems (DWWTSs) from the EPA contains the assessment methodology for the determination of whether a site is deemed suitable, or not, for discharge to ground, and presents comprehensive recommendations for the attainment of such high standards in line with the regulatory and policy frameworks. Adherence to the CoP is required by all local authorities as part of their individual development plan policies, countrywide. The overall regulatory and policy framework at national level is therefore clear on the need for the application of high standards in

the assessment, provision and maintenance of effective DWWTSs for new housing development in rural areas.

The CoP outlines that where sites are deemed unsuitable for discharge to ground, alternative options, **if any**, will need to be discussed with the local authority. This is a clear acknowledgement that there may not always be an alternative. Applicants or prospective applicants may apply for a Pre-planning meetings as set out in Section 247 of the Planning & Development Act 2000, (as amended) if discussion is required with officials of the councils Planning/Environment Team regarding an alternative option for on-site waste water treatment. While these cannot be construed as an assessment of a proposed planning application nor can it be relied upon as a final determination, advice may be obtained regarding possible alternatives.

A report from the Environment report stated that in relation to planning applications that involve DWWTPs , the current process involves the Environment Team assessing the applications made and then providing recommendations to the Planning Section as to whether these comply with the EPA Code of Practice. If applicants, or agents, wish to discuss proposals for DWWTPs (or any alternatives thereto), they can send such directly to the Environment Department who, as always, are happy to meet and liaise with them. In some cases, reasons for refusal do not solely relate to DWTTPs. Accordingly, in such instances, applicants should seek a pre-planning meeting (refer to preplanning guidance on Council's website). There will inevitably be challenges with DWTTPs from time to time, particularly (though not exclusively) in the context of certain soil types or ground conditions. In summary, the role of the Environment Section is to assess whether such proposals comply with the [updated] Code of Practice and advise the Planning Department accordingly.

Councillor Wyse thanked the two Directors for the positive responses and asked that where possible, the Environment Section would have regard to new design proposals at either pre-planning or further information stage of planning applications.

**Resolved** on the proposal of Councillor Wyse, seconded by Councillor Keatley and agreed by the members present, the report was noted.

## **22/0921**

### **Full-time Unfinished Housing Development Co-ordinator**

The following motion in the name of Councillor Angela Feeney was considered by the members. That the council assigns a full-time Unfinished Housing Development Co-ordinator to tackle the problem of unfinished estates in the county.

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

A report from the Acting Chief Fire Officer informed the members that In June 2021, the Development Control Section submitted a business case requesting additional staff to tackle the Taking in Charge (TIC) of legacy problematic estates (where the Developer and/or the Bond monies are no longer available). Internal council approval was received for an Executive Engineer and an Executive Technician in July 2021. Subsequently a sanction request was submitted to the Department of Housing, Local Government and Heritage, with approval coming through in September 2021.

It is now planned to recruit for these two posts from the existing panels. It is hoped that the successful candidates will commence before the end of the year.

Councillor Feeney welcomed the report and stated it was clearly referenced on the Housing Agency Gov.ie website, that each local authority that had a co-ordinator appointed, saw an incremental decrease in the number of estates to be taken in charge. Ms Wright said the sanction approval was a very positive development and it was hoped these additional staff would be in place by the end of the year.

**Resolved** on the proposal of Councillor Feeney, seconded by Councillor Breslin and agreed by the members present, the report was noted.

### **23/0921**

#### **Valuations carried out for and on behalf of the Council**

The following motion in the name of Councillor Fiona McLoughlin Healy was considered by the members.

That the council provide a breakdown of valuations carried out for and on behalf of the council since the council's framework for valuations lapsed in 2014 to include details of the number, the cost of each valuation, the contracted person/agency and the council's rationale for failing to keep an electronic copy of all valuations conducted for and on behalf of the council for easy access by internal and external auditors and for FOI purposes.

The motion was proposed by Councillor McLoughlin Healy and seconded by Councillor Pender. A report from the Housing and Corporate Services Director informed the members that in order to respond to the motion tabled by Councillor McLoughlin Healy, the amount of records to be retrieved and interrogated, across a number of sections within the council, has the potential to be

voluminous and could cause substantial and perhaps unreasonable interference with or disruption to work of those sections.

For information of the members:

- The framework for valuations expired on the 28/06/2016.
- Records relating to valuations are retained within the relevant team/department that has requested the valuation.
- The council granted two similar Freedom of Information requests relating to this matter in December 2020 and February 2021, resulting in the release of records. The release of individual valuations was refused at the time having regard to Section 15(1)(c) of the Freedom of Information Act, as it was considered that the work involved was voluminous and, as stated above, would cause “substantial and unreasonable interference with or disruption of work” of the section.
- Preparatory work has commenced in order to publish a tender for valuation services in Quarter 4 2021, with the intention that a new framework will be in place in Quarter 2 2022.

If the elected members support this motion, I will initiate the commencement of work to compile the report which will issue to members as soon as practicable.

Councillor McLoughlin Healy stated that all or parts of the questions in her motion were not responded to and asked why an electronic register was not in place, given the amount of money being spent annually in this area. She stated it was concerning that the matter was being put back to her colleagues to decide if she should receive information that she was entitled to. She confirmed she was fully aware of the restrictions on resources, but that this did not usurp the members oversight role and she did not think it should be necessary to vote on whether the information be made available to her or not.

Ms Aspell stated there was no suggestion that the information would not be made available, the report had merely set out the impact such a request would have on the work of housing department, and in particular the Housing Capital team. She noted the request was substantial and for this reason, resources would have to be reassigned to deal with it which would affect the priority work of the section. She confirmed her report was to allow the members consider if they wished this body of work to be carried out on that basis. Following an enquiry Ms Aspell confirmed that if agreed, the information that had issued on the referred to FOI requests could be circulated to the members for their information. Councillor McLoughlin Healy stated she was happy for the



FOI information to be circulated to the members as the purpose of her motion was to seek assurance there was adequate oversight in this area.

The Cathaoirleach asked the members if the matter was to be put to a vote.

Councillor McLoughlin Healy proposed the motion be put to a vote and Councillor Pender seconded the request for a vote.

**Resolved** on the proposal of Councillor McLoughlin Healy, seconded by Councillor Pender with 4 members voting in favour, 27 members voting against and 5 abstentions, the motion fell.

#### **24/0921**

#### **Increase of Expenditure by €1m in the Housing Adaptation Grant scheme**

The following motion in the name of Councillor Nuala Killeen was considered by the members. That as part of Budget 2022, the council increase expenditure by €1m in the area of the Housing Adaptation Grant scheme which administers grants to households who have particular urgent needs and where Category 2 and 3 do not get processed despite being a number of years on the list; and to examine effective procedures in implementing a clearance of the waiting lists through 2022. This increased spend will require additional funding of €800k from the Department of Housing Local Government and Heritage (a survey of other local authorities demonstrates that the Department will not refuse a request for additional funding in this stream) together with an increase in Kildare County Council funded budget provision of €200k therefore meeting the 1million additional funding aim.

The motion was proposed by Councillor Killeen and seconded by Councillor Noel Connolly.

A joint report from the Housing and Corporate Services Department and the Finance Department informed the members that Kildare County Council administers two schemes to facilitate housing adaptations for older people and people with a disability. Both schemes are funded by the Department of Housing, Local Government and Heritage (DHLGH) and the council. The following details funding in 2021:

- Housing Adaptation Grants for privately owned homes: €3,162, 288 (includes 20% from KCC).
- Disabled Persons Grants (DPG) for council owned homes: €517,504 (includes 10% funding from KCC).

Applications for each grant type are assessed by the Housing Department.

Housing Adaptation Grant applications require an assessment by an occupational therapist. Applicants are prioritised based on medical need (priorities defined below).

Due to the availability of resources the council is only in a position to approve Disabled Persons Grants on council owned properties where applicants are categorised as Priority 1 and 2. Works on properties were curtailed due to Covid-19, however, works are now being progressed for all approved tenants.

Details of DHLGH funding allocations for 2022 have not been advised to the council; an announcement is expected in Quarter 1 2022. Based on the current allocation for 2021, the council will contribute €684,208 to the grants scheme in 2022.

You will note from the table below that additional funding over and above our annual allocation is made available by the DHLGH, the council is required to provide matching funding (20% Adaptation grants, 10% DPG grants):

	2020		2019		2018		2017	
	Allocation	Drawdown	Allocation	Drawdown	Allocation	Drawdown	Allocation	Drawdown
HAG	2,511,280	1,761,279	2,492,730	2,497,750	2,409,776	2,410,241	2,320,352	2,826,118
DPG	393,913	493,981	450,000	1,151,185	364,029	360,447	394,879	765,384

The Finance Department, together with Management Team are currently working on Budget 2022. As members are aware there has been no additionality to the LPT baseline funding for 2022 for local authorities. To date in 2021 we have been notified of only minimal changes to rates valuations. Members will be conscious of significant increases to construction-related costs which has a direct impact on our Housing and Roads Maintenance budgets.

The additional costs associated with this request would take €200,000 from other areas of expenditure. Without additional funding from Central Government, it is not expected that Kildare County Council can achieve this without cutting front line services.

A balanced budget will be brought to the elected members in November – it will be a matter for the members at that stage to amend the budget lines as they see fit, remembering that any increases in an expenditure line must be matched by corresponding decreases elsewhere.

*Definition of Priority Categories 1-3:*

*Priority 1 - Terminally ill or fully/mainly dependant on family or carer; or where alterations/adaptations would facilitate discharge from hospital or alleviate the need for hospitalisation in the future;*

*Priority 2 - Mobile but needs assistance in accessing washing, toilet facilities, bedroom etc; or where without the alterations/adaptations the disabled person's ability to function independently would be hindered;*

*Priority 3 - Independent but requires special facilities to improve the quality of life, e.g. separate bedroom/living space.*

Councillor Killeen welcomed the fact that Priority 2 applicants were advancing as it was paramount that people were afforded more dignity in their own home. She confirmed she had sought seven years' worth of information from the Department in relation to this matter and had received two years. She had also contacted other local authorities who had indicated they did not refuse any of these applications. The members supported the motion noting the issue had been raised at municipal district level also and that it was important the opportunity to leverage additional government funding for this crucial body of work be further explored. Councillor Breslin highlighted again that the council's own tenants were being left behind by the Government in this area and they also had to address the issue of the increase in building costs relevant to these grants. Councillor Peggy O'Dwyer noted she had brought this issue up at the Regional Health Form meeting in the context of the discharge of patients and the work OTs do in assessing homes to enable these discharges.

Ms Aspell agreed with the members noting the council had made representations to the Department on this item previously, and in which the concerns around the level of funding assigned to the councils own housing stock had been highlighted. She also confirmed the council could not reallocate grant funding between private and local authority houses, based on the criteria in the current funding model. She noted that if additional funding is to be assigned to these grants, more staff resources would need to follow which would be difficult to get sanction for. Alternatively, the matter of the prioritisation of funding/resources within the section was open for consideration.

Councillor Killeen agreed to liaise further with Ms Millane and Ms Aspell to examine if increased funding could be sourced in any other way, and she would update the members accordingly.

**Resolved** on the proposal of Councillor Killeen, seconded by Councillor Noel Connolly and agreed by the members present, the report was noted and Councillor Killeen would liaise with Ms Millane and Ms Aspell and update the members accordingly.

**25/0921**

**Wheelchair accessible housing**

The following motion in the name of Councillor Chris Pender was considered by the members. That Kildare County Council review its approved social housing lists, identifying the number of people/households who require wheelchair accessible housing, and maintain a register of all wheelchair accessible social housing in their area and occupancy status.

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

A report from the Housing and Corporate Services Department informed the members that when completing the application for social housing support, housing applicants are provided with the opportunity to provide the council with information relating to their specific housing requirements; this includes the requirement for an adapted house or a wheelchair liveable unit. The iHouse system, which is used to manage housing applications and housing stock, records specific requirements and details of adapted council stock.

The Strategic Plan for Persons with a Disability (2016) indicates that 161 households/applicants were assessed as having a disability and of those, a total of 43 households/applicants had a physical disability (27%).

Councillor Pender acknowledged the contents of the report.

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

The meeting concluded



**Appendix 1 – Response to Motion 19 Councillor Aidan Farrelly Council Agenda 27.9.21**

**Report:** Please see below Kildare County Council’s response to the recommendations raised by the IHREC and indicative timelines for implementation.

<b>IHREC Recommendation</b>	<b>Response</b>	<b>Timeline</b>
<p>1) Address Policies and Procedures-</p> <ul style="list-style-type: none"> <li>• To identify Traveller community preference relating to accommodation type.</li>   <li>• Establish process for Traveller</li> </ul>	<p>The lack of an ethnic identifier on the housing application form makes it difficult to track preference. The application form has two specific Traveller accommodation types listed. The housing application form is provided by the DHLHG, the addition of an ethnic identifier is being considered.</p>	<p>Possible update of application form Q4, 2021, however this matter is outside the control of the council, as a national change is required.</p> <p>In place and ongoing.</p>



<p>participation in estate management.</p> <ul style="list-style-type: none"> <li>• Identifying and responding to specific needs of Travellers that flow from their culture and identity, particularly horse ownership</li> <li>• Review provisions in relation to indigenous Travellers and the</li> </ul>	<p>All tenants are encouraged to play an active role in estate management. The council engages with residents on issues such as improvement works, redevelopment plans, fire safety, open space. Kildare Traveller Action intend to appoint a community development worker, this will assist with estate management and community development processes. The proposed redevelopment of Ardrew Halting Site includes a community centre.</p> <p>The council recognises the distinct culture and identity of Travellers in the Traveller Accommodation Plan and the County Kildare Traveller and Roma Inclusion Strategy. As part of the inclusion strategy the council is collaborating with Kildare Traveller Action (KTA) on the Athy Horse Project in partnership with local stakeholders. The KTA is seeking participants for a Youth Employment Horse Welfare course.</p>	<p>In place and ongoing. KTA course expected to commence Quarter 4, 2021.</p> <p>In place and ongoing</p>
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<p>local connection requirements when assessing housing need.</p> <ul style="list-style-type: none"> <li>• Establish and developing a response to the needs of nomadic Travellers through the provision of transient halting site bays.</li> <li>• Identifying and developing culturally specific response to Travellers experiencing homelessness.</li> </ul>	<p>The council is bound by and applies The Social Housing Assessment Regulations when assessing housing need and specific rules relating to connection to the county.</p> <p>As part of the council’s consultation for the Traveller Accommodation Plan 2019-2024 respondents were requested to provide feed back on the desirability of transient sites, 7 respondents were in favour of the provision of such sites, 27 were opposed and 15 expressed no preference.</p> <p>The Council’s Traveller Accommodation Unit undertakes an assessment of need for families who are on the roadside and without access to basic facilities and services are provided (on a case by case basis).</p>	<p>A further review of transient site preferences will form part of the review of the Traveller Accommodation Plan, Quarter 4, 2021.</p> <p>Ongoing.</p>
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<ul style="list-style-type: none"> <li>Identifying and responding to the practical implications of Traveller ethnicity through the provision of Traveller specific accommodation and standard housing.</li> <li>Implementing the Public Sector Equality and Human Rights duty in the next review of the Traveller Accommodation Plan</li> </ul>	<p>Travellers on the Council’s social housing list may be eligible for Homeless Housing Assistance Payment - HAP(subject to an assessment being carried out) and are eligible for HAP.</p> <p>The council seeks to offer accommodation in family hubs and transitional units, however there is limited availability of such units</p> <p>The council recognises Traveller ethnicity through the provision of specific accommodation and standard housing. Where required and available larger houses are provided to families.</p> <p>Provision is made to accommodate extended families in Traveller specific accommodation and standard housing, where possible.</p> <p>A proposed redevelopment of the Ardrew halting site (Athy) includes a plan for five (5) large family houses, 3 larger bays, a community centre and caretaker unit in response to the needs of families (DHLGH – Stage 1 Housing Capital application – April 2021). Space for a touring caravan is provided at the side of each home, as part of the scheme.</p>	<p>Ongoing.</p> <p>Quarter 1, 2022</p>
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	<p>The Council will carry out a mid-term review of the current Traveller Accommodation Programme 2019- 2023 in Q4 2021. Guidance from the Department (DHLGH) is expected to issue in September 2021.</p> <p>Implementation of the Public Sector Duty will be a key component of the plan.</p>	
<p>2) Establish and identify and ethnicity identifier in data gathering and analysis through the housing application process which identifies accommodation needs and preferences such as permanent/transient sites, group housing, outdoor space for dogs/horses and proximity to other family members</p>	<p>Ethnicity identifier dealt with under point 1. As part of the council's tenancy agreement tenants are permitted to have up to 3 dogs (subject to control of dogs legislation). The keeping of horses is not permitted and subject to tenancy/license requirements.</p>	<p>See point 1 regarding ethnicity identifier.</p>



<p>3)Develop a more transparent recording methodology of collection and data in the annual count of the Traveller Community and include questions such as accommodation preferences.</p>	<p>The council complies with guidance issued in circular 37/2020 relating to the Annual Estimate of Traveller Families. Accommodation preferences are not analysed in this count.</p> <p>Engagement with the Traveller community and representative groups forms part of the process of preparation of the Traveller Accommodation Programme. The council is committed to consultation with individual Travellers in relation to their accommodation needs, through ongoing engagement by the Social Work Team and The Traveller Accommodation Team.</p>	<p>In place and ongoing.</p>
<p>4)Consider the possibility of employing a Traveller Liaison Officer.</p>	<p>The council employs five Tenant Liaison Officers to support existing tenants. In addition, two social workers are employed with a specific remit to support tenants and social housing applicants from the Traveller community.</p> <p>Assistance is also available from the Traveller Accommodation Team.</p> <p>On the basis of existing supports, it is not intended to employ a Traveller Liaison Officer</p>	<p>No action being taken</p>
<p>5)Record data on both funds allocated and drawn down for Traveller specific accommodation</p>	<p>An analysis for 2019 and 2020 will be carried out.</p>	<p>Quarter 1, 2022</p>



<p>and for general accommodation.</p>		
<p>6)Assess the impact of Circular 03/2020 in improving Traveller specific funding drawdowns. If no improvement evident the council should commission and independent report to determine the reason and follow recommendations made.</p>	<p>The council complies with funding guidance issued in circular 03/2020 in the drawdown of funding for capital projects, housing acquisitions and Covid supports.</p> <p>A redevelopment project at Ardrew, Athy has now been submitted to the Department for consideration (Quarter 2, 2021). The proposed development consists of extending the existing halting site to provide 5 new dwelling units, 3 no. bays and a new caretakers unit / community centre at an existing halting site. This redevelopment will require significant capital funding.</p>	<p>Will be kept under review.</p>



**Appendix 1**

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<b>IHREC Recommendation</b>	<b>Response</b>	<b>Timeline</b>
<p>1) Address Policies and Procedures-</p> <ul style="list-style-type: none"> <li>• To identify Traveller community preference relating to accommodation type.</li> <li>• Establish process for Traveller participation in</li> </ul>	<p>The lack of an ethnic identifier on the housing application form makes it difficult to track preference. The application form has two specific Traveller accommodation types listed. The housing application form is provided by the DHLHG, the addition of an ethnic identifier is being considered.</p>	<p>Possible update of application form Q4, 2021, however this matter is outside the control of the council, as a national change is required.</p> <p>In place and ongoing.</p>



<p>estate management.</p> <ul style="list-style-type: none"> <li>Identifying and responding to specific needs of Travellers that flow from their culture and identity, particularly horse ownership</li> <li>Review provisions in relation to indigenous Travellers and the local connection requirements when</li> </ul>	<p>All tenants are encouraged to play an active role in estate management. The council engages with residents on issues such as improvement works, redevelopment plans, fire safety, open space. Kildare Traveller Action intend to appoint a community development worker, this will assist with estate management and community development processes. The proposed redevelopment of Ardrew Halting Site includes a community centre.</p> <p>The council recognises the distinct culture and identity of Travellers in the Traveller Accommodation Plan and the County Kildare Traveller and Roma Inclusion Strategy. As part of the inclusion strategy the council is collaborating with Kildare Traveller Action (KTA) on the Athy Horse Project in partnership with local stakeholders. The KTA is seeking participants for a Youth Employment Horse Welfare course.</p>	<p>In place and ongoing. KTA course expected to commence Quarter 4, 2021.</p> <p>In place and ongoing</p>
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<p>assessing housing need.</p> <ul style="list-style-type: none"> <li>• Establish and developing a response to the needs of nomadic Travellers through the provision of transient halting site bays.</li> <li>• Identifying and developing culturally specific response to Travellers experiencing homelessness.</li> </ul>	<p>The council is bound by and applies The Social Housing Assessment Regulations when assessing housing need and specific rules relating to connection to the county.</p> <p>As part of the council’s consultation for the Traveller Accommodation Plan 2019-2024 respondents were requested to provide feed back on the desirability of transient sites, 7 respondents were in favour of the provision of such sites, 27 were opposed and 15 expressed no preference.</p> <p>The Council’s Traveller Accommodation Unit undertakes an assessment of need for families who are on the roadside and without access to basic facilities and services are provided (on a case by case basis).</p>	<p>A further review of transient site preferences will form part of the review of the Traveller Accommodation Plan, Quarter 4, 2021.</p> <p>Ongoing.</p>
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