

**KILDARE COUNTY COUNCIL**

**Minutes of meeting of Full Council held at 3:00 p.m.**

**Monday 19 December 2022 in the Council Chamber**

**Áras Chill Dara, Devoy Park, Naas, Co Kildare.**

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

**On Line** Councillors B Dooley, F McLoughlin Healy, J Neville, P O'Dwyer and R Power

**Apologies:** Councillors K Duffy and C. Galvin

**Also Present:** Ms S. Kavanagh Chief Executive, Ms A Aspell, Mr J Boland, Mr E Ryan (Directors of Services), Ms P O'Brien (A/Director of Service), Ms C Barrett (A/Director of Service) Ms B Sweeney (A/Head of Finance), Mr. G Conlon SEO Planning, Ms C O'Grady (Meetings Administrator), Mr J Hannigan (Meetings Secretary) and other officials.

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The Cathaoirleach welcomed everyone to the December meeting of Full Council and sought the members continued co-operation in adhering to protocols on speaking times to continue the efficient use of the time available.

**01/1222**

**Bereavements**

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

Bernadette (Ber) Berney, mother of Kevin Berney Athy Library.

James (Jimmy) Carroll, Retired foreman Naas.

Eileen Fagan (nee Berney) mother of Pauline Fagan, Ballitore Library.

Private Sean Rooney killed in the Lebanon.

A minute's silence was observed.

The Cathaoirleach also noted that thoughts are with the family of Trooper Shane Kearney who was seriously injured in the attack in Lebanon and wished him a speedy recovery.

#### **02/1222**

##### **Declaration of Interests**

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

Councillor Sammon noted she had a conflict of interest in relation to item no 6 and would be stepping out of the meetings when that item came before the members for consideration.

#### **03/1222**

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

The council considered the draft minutes of the budget meeting held on 21 November 2022 and the draft minutes of the monthly meeting held on the 28 November 2022 together with the progress report.

**Resolved** on the proposal of Councillor Durkan, seconded by Councillor Moore and agreed by the members present that the minutes of the budget meeting on 21 November 2022, be adopted.

**Resolved** on the proposal of Councillor Durkan, seconded by Councillor Moore and agreed by the members present that the minutes of the monthly meeting on 28 November 2022, be adopted.

The progress report was noted.

**04/1222**

**Chief Executive's Monthly Management Report**

The members noted the Chief Executives monthly management report.

**05/1222**

**Section 183 Notice for Disposal of Lands**

The members considered the disposal of lands pursuant to Section 183 of the Local Government Act 2001, as amended (Statutory notice of 07 December 2022, circulated previously and attached).

- i. Disposal by way of lease of 0.0329 hectares of land at Castlepark, Dunboyne Road, Maynooth, Co. Kildare.

The Cathaoirleach confirmed the members had received the statutory notices setting out the details of the proposed disposal.

**Resolved** on the proposal of Councillor Durkan seconded by Councillor Feeney and with the agreement of the members present that disposal by way of lease of 0.0329 hectares of land at Castlepark, Dunboyne Road, Maynooth, Co. Kildare be approved.

**06/1222**

**Section 141 Reports from Other Bodies**

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

- County Kildare Failte Company CLG (Into Kildare)
- Kildare and Wicklow Education Training Board
- Kildare Sports and Leisure Facilities
- LCDC
- Irish Public Bodies Mutual Insurance
- South Western Regional Drugs & Alcohol Taskforce

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

**07/1222**

**Draft Development Contribution Scheme 2023-2029**

Councillor Sammon declared that she had a conflict of interest and left the meeting.

The members considered the Chief Executive's Report on Submissions received in respect of the Draft Development Contribution Scheme 2023-2029.

Mr. Eoghan Ryan, Director of Service advised the members that the Chief Executive's report on the submissions received on the Draft Development Contribution Scheme 2023-2029 had been circulated and that the members could now approve or amend the Scheme.

Councillor Moore said that he welcomed the draft scheme but requested that a percentage of contributions should be ringfenced for Community funds by municipal district.

Councillor Doyle said that she was broadly in favour of the Scheme, however she would like to see some ringfencing of Community funds. Councillor Keatley said that the proposed increase in the residential development rate was too great and proposed that the rate be increased to €58 per square metre.

Councillor McEvoy said that some consideration should be given to the Climate Action Plan and how the scheme impacted on this. He noted the response in the Chief Executive's Report in respect of hedgerows. It was agreed by the members that this matter could be referred to the Economic Development, Enterprise and Planning Strategic Policy Committee.

Councillor Stafford asked if there was a reduction for "granny" flats.

Councillor Breslin said that, on behalf of the Labour Party, she was broadly in favour of the Scheme.

A discussion was held by the members on aspects of the Scheme.

Ms. Sonya Kavanagh said that the Council could accept some ringfencing of funds.

Councillor Durkan proposed that the agriculture/horticulture/equine rate should be reduced from €10 to €5 per square metre, seconded by Councillor Keatley and agreed.

Councillor Keatley proposed an amendment “that Kildare County Council set the residential development levy rate for housing at €58 per square metre in the 2023-2029 Development Contribution Scheme”. This was seconded by Councillor Weld. The proposed amendment was defeated with 7 voting in favour 28 voting against and 1 abstention.

Councillor Moore proposed that 80% of development contributions received in respect of Open Space, Recreation, Environment, Public Realm, Community Facilities and Economic Development be retained by the relevant municipal district (i.e. 32% of all contributions), this was seconded by Councillor Doyle and agreed by all members.

The members agreed to adopt the Chief Executive’s report on the Development Contribution Scheme 2023-2029 subject to the amendments outlined above.

**Resolved** on the proposal of Councillor Doyle seconded by Councillor Liston and with the agreement of the members present that that the Draft Development Contribution Scheme 2023-2029 be adopted subject to the amendments agreed.

## **08/1222**

### **Taking in Charge of Estates**

The members considered the report previously circulated in relation to the 6 monthly update on the taking in charge of estates.

Ms Barrett informed the meeting that they were continuing to work on the taking in charge of legacy estates, they were targeting completing 2 of these per year. The report presented was arranged by Municipal District and presentations were being given on progress at Municipal District meetings.

The report was noted.

**09/1222**

**Kildare County Council Parking Policy Framework 2022**

The members considered the Kildare County Council Parking Policy Framework 2022.

The members were informed that the Draft Parking Policy Framework had been discussed at the November meeting but had not been put to the members for adoption. The purpose of the policy was to give consistency in application of parking times and costs across all municipal districts. This included the application of an observation period.

The members raised the following points.

Wheelchair spaces needed to be provided for vehicles using ramps.

Spaces needed to be provided for drivers with hidden disabilities.

There needed to be uniformity in charging.

Loading bays need to be provided for all day delivery not just 9.30 to 11.30.

The issue of taxis occupying paid parking spaces while waiting to get a space on the taxi rank needed to be addressed.

Ms Barrett asked the members to adopt a common approach as set out in the framework and said that specific issues could be dealt with when preparing bye laws at Municipal District level.

**Resolved** on the proposal of Councillor Moore seconded by Councillor Liston and with the agreement of the members present that that the Kildare County Council Parking Policy Framework 2022 be adopted.

**10/1222**

**Gnó an Cathaoirleach/Cathaoirleachs Business**

The Cathaoirleach confirmed he had attended a number of events over the last month as follows.

He had attended an event in Rathmore Hall to present the prize to the winner who came up with a slogan “No Poo on the Shoe” for the Environment Department anti dog fouling campaign.

He attended the turning on of the Christmas lights at Jigginstown Manor Naas and attended the ceremony of light at Naas Harbour.

## 11/1222

### Comhfhreagras/Correspondence

The Meetings Administrator confirmed four items of correspondence had been circulated to the members along with the progress report. These included Circular LG 07-2022 re pay adjustments due on 2 February and 1 October 2022 and three motion referrals from other local authorities.

A petition had also issued from the Cathaoirleach to Minister Simon Coveney in relation to the Jadotville report. A copy was circulated to the members.

The correspondence was noted.

## 12/1222

### Conferences and Training

The Meetings Administrator informed the meeting that the Corporate Policy Group had recommended the following training events and conferences for approval.

- Pre-recorded training videos covering the full range of Local Authorities' social housing supports available from 21 November 2022. Cllr N Connolly and Cllr A Breslin had requested approval to access this training at a cost of €250 each.
- Association of Irish Regions, Regional Development training taking place in the Four Seasons Hotel Monaghan Town 7- 9 February 2023. Details of costs were awaited.
- The National Health Summit Conference "To explore the impact of current reforms on service delivery and share experience" was taking place at Croke Park on 8 February 2023. Cllr P O'Dwyer had requested that she attend. The early bird cost was €187+VAT. The normal price was €287 +VAT.

**Resolved** on the proposal of Councillor McEvoy, seconded by Councillor Caldwell that the events be approved and that attendance of councillors listed be approved.

The Meetings administrator asked if additional members could inform members services of their intention to attend these events and they could be listed for the January meeting for approval.

**13/1222**

**Recommendation from Protocol and Procedures Committee**

The members considered the following recommendation from Protocol and Procedures Committee to amend the first item on all agendas to read as follows: Declarations of (a) Conflicts of Interest or (b) pecuniary or beneficial interests under section 177 of the Local Government Act 2001, as amended.

Councillor Cussen requested that the Protocol and Procedures committee liaise with the Finance Committee to provide guidance to the municipal district committees on this. Councillor McEvoy agreed.

**Resolved** on the proposal of Councillor Moore seconded by Councillor McEvoy and with the agreement of the members that the recommendation be adopted.

**14/1222**

**Native Irish Honey Bee**

The following motion in the name of Councillors Ciara Galvin, Peter Hamilton, Bill Clear, Fiona McLoughlin Healy and Fintan Brett was considered by the members. That County Kildare be designated as a conservation area for the native Irish honey bee (*apis mellifera mellifera*).

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

A report from Mr J Boland, Director of Service, Environment, Water Services and Climate Action stated that this matter was the subject of a presentation by the Native Irish Honey Bee Society at the recent meeting of the Climate Action SPC.

By way of further background, Kildare County Council are signatories to the All Ireland Pollinator Plan which states under **Objective 4: All-Ireland Honeybee Strategy** 'By supporting beekeepers, we want to achieve healthy, sustainable populations, and for honeybees to be part of a cohesive pollinator message that balances managed and wild pollinator populations.'



In addition a similar motion was adopted by Louth County Council in March 2022 as follows;

*"That Louth County Council recognise the unique nature of the Native Irish honey bee population in County Louth and to give official recognition to the County Louth Voluntary Conservation Area."*

Note the 'voluntary' aspect of the LCC motion because, as far as he can ascertain, there isn't yet a statutory basis for 'conservation areas' with respect to bees.

However, by adopting this motion, KCC would similarly be highlighting this really important biodiversity issue. It might also be worthwhile if, in adopting this motion, the members would also confirm their support of draft legislation which is currently progressing through the Dail [Copy attached]. When this legislation is passed, the necessary legal protection will be in place as well as associated policing /enforcement powers.

Councillor Hamilton informed the members that this was a most valuable species and needed to be protected. This species was the most suitable for our environment. There is legislation currently going through the Oireachtas on this subject.

It needed to be protected from imported species.

Councillor Clear supported the motion and explained that only native Irish Bees should be kept on Council owned land.

**Resolved** on the proposal of Councillor Hamilton seconded by Councillor Liston and agreed by all that County Kildare be designated as a conservation area for the native Irish honey bee (*apis mellifera mellifera*) and that only Native Irish Honey Bees be kept on council owned land

#### **15/1222**

#### **Mandatory Attendance at Quarterly MD Meetings by Irish Water Staff**

The following motion in the name of Councillor Suzanne Doyle was considered by the members.

That the council ask the Minister to give direction to Irish Water, making it mandatory that suitably qualified members of staff attend quarterly meetings of each municipal district, in order that progress reports can be given on critical infrastructure projects and engagement and public oversight occur in the delivery of services to the public.

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

A report from Mr J Boland, Director of Service, Environment, Water Services and Climate Action stated that this is a matter for the members. Bear in mind though that Uisce Eireann is now a separate stand alone Utility who will be assuming full control and management of water services with effect from 2023.

Councillor Doyle asked that a letter issue to the Minister asking the Minister to make it mandatory for Irish Water, to send suitably qualified members of staff to attend quarterly meetings of each municipal district in Kildare , in order that progress reports can be given on critical infrastructure projects and engagement and public oversight occur in the delivery of services to the public

**Resolved** on the proposal of Councillor Doyle seconded by Councillor Kelly and agreed by the members that a letter should issue as outlined.

## **16/1222**

### **Review of Motorway Junctions in the County**

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

That Comhairle Chontae Chill Dara write to Transport Infrastructure Ireland asking them to review the motorway junctions in the county with a view to adding additional lanes at the necessary entrances/exits and providing additional roundabouts at their junction with national and local roads adjoining the exits as required to alleviate traffic queues which often back up onto the motorways.

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

A report from Ms C Barrett A/Director of Services, Roads Transportation and Public Safety stated that the motion relates to increasing capacity at motorway junctions in County Kildare. TII constantly monitors the operation and performance of the national road network countrywide. Each year TII publishes the 'National Roads Network Indicators' which sets out the performance indicators of the national road network in terms of Road Network, Economic, Road Condition, Safety, Accessibility & Environment and Emissions. In terms of capacity TII has over 387 Traffic Monitoring Unit sites around the country which are used to monitor traffic volumes and to plan future interventions. With regard to upgrade schemes where additional capacity is requested, each scheme must be delivered in accordance with the national policy documents, e.g. Project Ireland 2040, the Public Spending Code and the Project Appraisal process etc. In Kildare the M7 Naas to Newbridge upgrade scheme was delivered in 2020 upgrading the M7 mainline, junctions 9 & 10 and constructing a new grade separated interchange at Junction 9A . The M4 Maynooth to Leixlip scheme is currently in Phase 2 (Option Selection) of the TII Project lifecycle. There are no other motorway upgrades identified in Project 2040.

Councillor Connolly informed the members that a number of exits at the motorway junctions were experiencing tailbacks at peak travel times and in his opinion extra exit lanes were needed at these junctions to alleviate this problem. Roundabouts were also required at some exits. Lanes could be provided for the use of public service vehicles.

Councillor McEvoy advised that the focus should be on public transport and pedestrians exiting and not on an increase in car capacity.

Councillor Doyle asked at what point does the NTA make a decision to upgrade exits and from where is the data gathered.

Ms Barrett informed the meeting that the report had been prepared by the National Roads Office on behalf of TII. There were no plans for additional works on the motorways in Kildare in the lifetime of this plan.

Councillor Connolly informed members that the cost of Public Transport can be prohibitive and he wanted a letter to issue to TII seeking the review of the junctions to alleviate traffic congestion.

**Resolved** on the proposal of Councillor N Connolly, seconded by Councillor Pender and agreed by the members present that the report be noted and that a letter issue to Transport Infrastructure Ireland.

**17/1222**

**KCC Social Media Policy**

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

That Kildare County Council provide the members with a report on its social media policy to include who manages the accounts, the number of followers, how the council processes comments and requests received via social media and who has access to this information.

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

A report from Ms A Aspell, Director Service, Housing and Corporate Services stated that Kildare County Council has a social media policy in place which provides guidance to employees on the use of social media, both on behalf of Kildare County Council and for personal purposes and sets clear expectations of employee conduct.

The Social Media Policy was updated in 2022 as an appendix to the Kildare County Council Communications Strategy 2022 – 2024 “Communication is Key” and adopted by the Senior Management Team.

Social Media is an increasingly popular and growing means of communication and Kildare County Council encourages the use of these channels to enhance communication, collaboration and information exchange with members of the public. By making our organisation more accessible on social media platforms where members of the public are actively engaged, it helps us to provide timely and accurate information and updates to a broad public audience.

Kildare County Council's Communications department manages the Council's corporate social media channels across Facebook, Twitter, Instagram and LinkedIn, with a combined total of over 33,600 followers across these 4 accounts. In addition, several departments across Kildare County Council also run social media accounts specifically highlighting their great work. These include Kildare Library Service, Kildare Arts Service, Fire Service, Community, Heritage & Kildare Sports Partnership. There are a total of 22 different social media accounts promoting the work of various departments of Kildare County Council, including our central Corporate accounts detailed above with a combined following of over 75,000. The departmental accounts are managed by teams within these departments and operated in line with Kildare County Council's social media policy.

In relation to how the council processes comments and requests received via social media and who has access to this information it should be noted that Social Media is a two-way communications channel and as such, Kildare County Council makes every effort to manage these channels appropriately and engage with followers as appropriate.

The council strive to provide a suitable response to queries, where possible, in line with our internal procedures such as advising where a query should be directed either through our Customer Service 'Contact Us' portal, so that the issue is logged in our internal CRM system or to an internal department directly.

However, it is not possible to respond to every comment received across these channels and when Kildare County Council is referenced or referred to in a comment, it is not deemed necessary to provide a response, unless a question has been addressed directly to Kildare County Council on our social media channel.

All comments and interactions on our social media posts are public and can be seen by any person who visits these pages. Any message sent to Kildare County Council by private message is responded to by the same method.

Councillor Moore informed the members that there were questions that he had submitted in his original motion which had to be revised that were not answered. He was interested in what happened to feedback received via social media.

The members raised the following points.

- Complaints received via social media might not be picked up by councillors unless the councillor was tagged in the message.
- They would like to see the council tag things such as disability week.
- They would like to see information that can be download on usage.

Ms Aspell informed the members that she would arrange for a presentation to be given by the communications team to the elected members in 2023 and this was agreed.

**Resolved** on the proposal of Councillor Moore, seconded by Councillor Pender and agreed by the members present that the report be noted and that a presentation by the Communications team be arranged.

## **18/1222**

### **New Social Housing Income Thresholds**

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

That the council confirm the date from which the new social housing income thresholds will be in place and whether this applies to people that have already applied but have not been fully assessed and if they will reassess/contact applicants that have not met criteria due to income limits which fall in line with the new increases.

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

A report from Ms A Aspell, Director Service, Housing and Corporate Services stated that the income thresholds for social housing eligibility will increase from the 1 January 2023 by €5,000, the following are the revised thresholds:

Single Adult	2 Adults	1 Adult, 1 Child	1 Adults, 2 Children	2 Adults, 1 Child	2 Adults, 3 Children	3 Adults, 4 Children
€40,000	€42,000	€41,000	€42,000	€43,000	€45,000	€48,000

- Applications assessed and decided upon prior to the 1 January 2023 which were deemed to exceed the current thresholds, but which may qualify under the revised thresholds can be resubmitted.
- Applicants removed from the housing list between 18 November and 31 December 2022 who qualify under the new thresholds, can retain the time already accrued or which they would have accrued had they not been removed from the social housing list.
- The Assessments Team will take account of the revised thresholds when dealing with applications currently being processed.

The change to thresholds is taking place pending the development and roll out of a revised income eligibility model in 2023.

Councillor Pender asked if the council would contact people who had been removed from the list between 18 November and the 31 December 2022. He stated if a fresh application was required this would double the workload.

Councillor Breslin expressed concern for people with medical priorities.

Ms Aspell informed the members that the legislative date was the date that had to be used so the public would have to resubmit. She would discuss the members concerns with the Senior Executive Officer Housing.

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

**19/1222**

**Active Travel Budgets for Kildare**

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

That the council outline the size of the gap in drawdown of allocated Active Travel Budgets for Kildare this year and the reasons for the gap.

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

A report from Ms C Barrett A/Director of Services Roads Transportation and Public Safety stated that on 26 January 2022, the National Transport Authority informed the Council of funding in the amount of €13,670,000 as part of the Active Travel Programme for 2022. This covered 26 Projects and an allocation for staff costs. The NTA has paid the Council a total of €9,707,909 in 2022 for works completed and recoupable from the NTA. This represents 71% of the original allocation to the Council.

During the year, as expenditure did not meet the expected levels envisaged by the NTA, additional projects were assigned funding to replace the expected shortfall in expenditure. A cumulative total of €19,170,547.54 was allocated to 30 projects in 2022 as there is no mechanism to substitute grants between projects. The total drawdown of €9,707,909 in 2022 compares to a drawdown of €3,290,856 in 2021 which is a significant increase and reflects the workload being processed by the Sustainable Transport Section.

There are multiple reasons for the difference between the Government's allocation and the Council's expenditure. The main challenges to increasing policy implementation are consultant and contractor labour limitations, the complexity of designing practical and suitable civil engineering interventions in urban contexts, rigorous procurement and financial regulations and the timescales of statutory planning approval processes. As an example, the Council has put in place robust mechanisms to limit the delay in appointing service providers, however, one project



had to be re-tendered 3 times before any service provider engaged in the procurement process.

Councillor Liston informed the members that the reasons for the differences were well articulated in the report. She was surprised that Kildare was not in the top 5 for drawdown in the country.

The members made the following points.

- Were there sufficient staff to deal with the workload.
- Could the works be advertised as a bundle.
- This would allow contractors to take on work as they could bulk buy materials.

Ms Barrett informed the members that it is a constant challenge and tendering can be difficult, but the frameworks were in place. She thought that bundling was a good idea if the projects required similar type materials. There was now a full team in place to deal with the work and she expected that the works would take place and allocations would be used.

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

## **20/1222**

### **Sanction for Antisocial Behaviour**

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

That Kildare County Council bring forward a special programme whereby individuals housed on recommendation or facilitation by the council, who have been confirmed by Garda Authority for being involved in antisocial behaviour, negatively impacting community life, shall be held accountable for their behaviour and open to sanction. Furthermore, in the event of continued antisocial behaviour by aforementioned individuals, the council and/or the relevant Approved Housing Body accept responsibility to pursue a programme of action(s) to discourage and cause cessation of aforementioned antisocial behaviour by sanctioning the aforementioned

individuals with the aim of causing cessation of antisocial activities in the community.

The motion was proposed by Councillor Heavey and seconded by Councillor Behan.

A report from Ms A Aspell, Director Service, Housing and Corporate Services stated that Social Housing applicants that are offered Kildare County Council properties, are offered those properties in accordance with the adopted Allocations Scheme for Social Housing, 2016, which was adopted by the elected Members on 28 November 2016. This scheme is currently being reviewed and it is hoped to bring a draft of the proposed amended scheme and an amended Anti-social Behaviour Policy to the next meeting of the Housing SPC for discussion. Paragraph 13, Appendix 1 of the current allocation scheme is implemented by the Council when offers of vacant properties are being made and states that:

*13. Applicants will be investigated, by way of Garda check, in accordance with the Housing (Miscellaneous Provisions Act) 1997 and applicants involved in anti-social behaviour will not be considered for inclusion on the housing list for a period of one year.*

In situations where alleged anti-social behaviour occurs in tenanted Kildare County Council properties, the council complies with the terms of the Anti-Social Behaviour Strategy, 2017 which was adopted by the elected Members on 27 February 2017.

Anti-social Behaviour is defined in the Housing (Miscellaneous Provisions) Act 2009 as amended by section 19 of the Housing (Miscellaneous Provisions) Act 2014 as follows:

- The manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts, 1977 to 2007).
- Any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, alarm, loss or fear to any person living, working or

otherwise lawfully in or in the vicinity of a house provided by a housing authority under the Housing Acts 1966 to 2014 or Part V of the Planning and Development Act 2000, or a housing estate in which the house is situate and, without prejudice to the fore going includes: (i) violence, threats, intimidation, coercion, harassment or serious obstruction of any person, (ii) behaviour which causes any significant or persistent impairment of a person's use or enjoyment of his or her home, or (iii) damage to or defacement by writing or other marks of any property, including a person's home

It should be noted that the possession of illegal drugs solely for personal use does not come within this definition, nor does vandalism or damage to property unless the damage is serious or used to intimidate or threaten. The definition does not include noise and nuisance or other activities, which would not normally be associated with the serious problems towards which the Act is targeted. However, these lesser activities could represent breaches of the Tenancy Agreement and tenants are warned in accordance with the Anti-social Behaviour Strategy.

Written complaints of alleged anti-social behaviour are investigated, and appropriate action taken. Such action will depend on whether the Tenant Liaison Officer (TLO) forms the opinion that there is an issue to follow up upon and the level of alleged anti-social behaviour involved. Our TLOs communicate and work with our Tenant Sustainability Officers (TSO), with our Community Development Workers (CDWs) and with the Gardai but every effort is made to work with a tenant to ensure that they remain in their home and that they and their children do not become homeless.

It is important to note the actions which the Council can take when anti-social behaviour occurs is governed by the Housing Acts and a court order is required to repossess a property or to issue an exclusion order. As this is the case a high burden of proof is required.

Approved Housing Bodies maintain their own estate management policies; however, it is important to note that their tenancies are governed by the Residential Tenancies Acts.

Councillor Heavey asked when would this be referred to the Housing SPC .. He informed the meeting that anti-social behaviour was being driven by drug use and everyone suffered as a result of this activity. He wanted sanctions taken against those involved in anti-social behaviour.

The members raised the following points.

- Dealing with this problem was not helped by the lack of funding for local drugs awareness groups.
- Anti-social behaviour can be found it all housing estates and was a societal issue.
- Anti-social behaviour should be dealt with through the courts.
- Tenant liaison officers dealt with issues that arose with council tenants.
- It is very difficult to evict tenants from council properties.

Ms Aspell informed the members that this issue should be dealt with at the Joint Policing Committee while the Housing SPC would review the Allocations Scheme for Social Housing commencing in January.

**Resolved** on the proposal of Councillor Heavey, seconded by Councillor Behan and agreed by the members that the report be noted.

The Cathaoirleach acknowledged Ms. Evelyn Wright retired Director of Services and the work she did during her time in Kildare County Council.

The meeting concluded.