

KILDARE COUNTY COUNCIL
Minutes of meeting of Full Council held at 3:00 p.m.
Monday 28 February 2022 in
Newbridge Town Hall

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

Apologies: Councillor N Ó Cearúil (Cathaoirleach), Councillors M Leigh, J Neville, R Power and P McEvoy.

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

Councillor Carmel Kelly, Leas-Cathaoirleach welcomed everyone to the February meeting of full council and conveyed the Cathaoirleachs apologies due to Covid. Councillor Kelly took the Chair and reminded the members of the protocols on speaking times and sought their co-operation in speaking with brevity to ensure an efficient use of the time available.

01/0222

Bereavements

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

Patrick (Paddy) Byrne, father of Geraldine Keane, School Warden.

Larry Whelan, father of Laura Whelan, Community Worker

A minute's silence was observed.

02/0222

Declaration of Interests

The Cathaoirleach sought any declarations of interests from the members, as required under Section 177 of the Local Government Act 2001, as amended. There were no interests declared.

03/0222

Minutes and Progress Report

The council considered the minutes of the monthly meeting held on 31 January 2022 together with the progress report. The Meetings Administrator drew the members attention to the notice of the 18th February 2022 in relation to the requested amendment to the November 2021 minutes of full council under reference 03/1121, Minutes and Progress Report, to include the minutes of the special meeting of the council held on the 21 October 2021 which were on the agenda of the November meeting and adopted by the members at the meeting but omitted in error from the minutes. Proposed amendment as follows:

The council considered the minutes of the monthly meeting held on the 18 October 2021, the special meeting of the council held on the 21 October 2021, together with the progress report.

Resolved on the proposal of Councillor S Moore, seconded by Councillor B Caldwell and agreed by the majority members present that the minutes of the monthly meeting on 18 October 2021, and the minutes of the special meeting of the council held on the 21 October 2021 be adopted. The progress report was noted.

Resolved on the proposal of Councillor T. Durkan, seconded by Councillor A Feeney and agreed by the majority of members present, the amendment as outlined to the November 2021 minutes of full council was approved.

Resolved on the proposal of Councillor T Durkan, seconded by Councillor T O'Dwyer and agreed by the majority of members present, the minutes of the monthly meeting on 31 January 2022 were adopted. The progress report was noted.

04/0222

Chief Executive's Monthly Management Report

The members noted the Chief Executives monthly management report.

05/0222

Section 183 Notice for Disposal of Lands

The members considered the statutory notice of the 11 January 2022 pursuant to Section 183 of the Local Government Act 2001, as amended:

- i. Disposal of 0.0111ha (100sq.m) of open space at the side of 25 Willowbrook Grove, Celbridge, Co Kildare.

The Cathaoirleach confirmed this item had been deferred from the January meeting and the members had received the necessary statutory notice previously setting out the details of the proposed disposal.

Ms Higgins, A/Director of Service confirmed the folio reference of the land under consideration, noting additional information had issued to the members from the Parks Department on the 31 January following the discussion at the January meeting. Ms Higgins confirmed it was a 100sq.m plot, the householder had issued circuit court proceedings, it had been occupied for over 12 years and the council had no way of disputing this and the legal advice received confirmed that a limit of 12 years applies to a local authority. She stated a 30 year limit applies to a Government agency and the HSE case referenced at the January meeting had been settled outside of court. Following a clarification request, Ms Higgins confirmed that a clause could be inserted into the disposal agreement in relation to the boundary fence improvements and regarding limitation of use on the land, as referenced at the January meeting.

A discussion took place among the members and the following points were raised:

- What tools had the council at its disposal to ensure this type of adverse possession claim did not happen again.
- What was the status of the new Land Assets register and Property Register
- Confirmation that clauses in relation to the boundary improvement and limitation of use would be included in any condition of sale

- What constituted “maintenance” by the council
- Was there a tab on the PIR system that shows what lands the council was maintaining.
- Can the members be given a briefing on land management generally
- It was prudent to approve this case, but the council needed to be more vigilant on lands in their ownership and any potential for adverse possession
- Concerns expressed around the difference between the amount of time for Government Agencies and Local Authorities ie. 30 years v’s 12 years and the implication for local government.
- Could the council do an audit of estates where the building company had been struck off the register and see if the receiver had registered these lands.

Ms Higgins stated that the new PIR system would be used to record these types of lands but that it was very difficult maintaining and managing all these smaller type pieces of land, and the councillors knowledge of on the ground matters was invaluable to the council in dealing with this issue. She confirmed the council was still in the process of mapping lands onto the register and the mapping of houses was also ongoing. It was hoped that this work would be complete by the middle of this year. She took note of the queries in relation to the tabs on the PIR system and the query re auditing estates and confirmed she would revert to the members on these matters.

The Chief Executive clarified that the Land Asset register included parcels of land only and that the Property Interest Register included all lands the council had an interest in, thus it would include estates that have been taken in charge. She stated that matters of council/public land being taken into private ownership usually came to the attention of the council via a neighbour reporting the matter. Ms Kavanagh confirmed the PIR system was a live system which would be updated every time an interest was purchased/disposed of by council.

Resolved on the proposal of Councillor S Doyle, seconded by Councillor N Killeen and agreed by the members present, the disposal of 0.0111ha (100sq.m) of open space at the side of 25 Willowbrook Grove, Celbridge, Co Kildare was approved subject to conditions on boundary treatment and limitation on use.

06/0222

Engagement with National Treasury Management Agency

The members considered a report from the Finance Department which stated it had been advised that interest rates were expected to vary over the coming months, and that this was likely to result in higher than budgeted bank interest and charges. They confirmed they were in discussions with alternative bank institutions to discuss options and to mitigate risk, and that the Heads of Finance group were also actively engaged in this process as it would affect the whole sector. When the figures crystallised, and if the revised costs had a material effect on the Revenue Budget, the Finance Department would discuss the matter with the Finance Committee and advise Council accordingly.

The Finance Department were seeking authorisation from the members for the option to invest in central treasury notes with the NTMA should this option prove more attractive. They confirmed the NTMA required this authorisation as part of their policy.

Following enquiry, Ms Sweeney confirmed the relevant legislation in relation to this matter was Section 149 of the Local Government Act 2001 as amended, stating it was not a reserved function. She also noted it was not possible to confirm the amount under consideration, as the NTMA would not engage until authorisation had been given by council.

Resolved with the agreement of the members present, with one abstention by Councillor McLoughlin Healy, approval was given to the Finance Department to engage with the National Treasury Management Agency.

07/0222

Demountable Dwellings Policy

A report from Ms A Aspell stated that the members of the Housing SPC had initially considered this matter at a meeting on 23 September 2021 and a sub-committee of the SPC was established to consider the issues further, with particular regard to the requirements around appropriate assessment and environmental impact assessment. Having considered the matter further at a meeting of the Housing SPC

on 9 December 2021, the members proposed the attached policy on provision of demountable dwellings be introduced.

She confirmed that CPG considered the proposal from the Housing SPC at their meeting on the 21 February and had agreed that it be referred to full council for consideration and approval.

Resolved on the proposal of Councillor B Weld, seconded by Councillor A Breslin and agreed by the members present, the Demountable Dwellings Policy was approved.

08/0222

Gnó an Cathaoirleach/Cathaoirleachs Business

Councillor Kelly confirmed Councillor Ó'Cearúil would provide an update on his activities during the month at the next meeting. She stated that a proposal had been received from Councillor McLoughlin Healy to light up Newbridge Town Hall in blue and yellow to demonstrate solidarity with the Ukrainian people. The members agreed to this proposal. Councillor Kelly also confirmed that a request had been received to raise the Ukrainian flag at Áras Chill Dara and the Cathaoirleach, the Chief Executive and the Chair of Protocol in accordance with the council's flag policy, had agreed to this request. The members supported this proposal. Councillor Kelly stated the flag would now be purchased and flown as agreed.

09/0222

Comhfhreagras/Correspondence

The Meetings Administrator confirmed twelve items of correspondence had been circulated to the members with the Progress Report. These included the letter issued to Minister for Health Stephen Donnelly following the Petition to the Cathaoirleach in relation to Spina Bifida services, circular LG 02-2022 from the Department of Housing, Local Government and Heritage re members remuneration, a response from the Minister of State Peter Burke in relation to a motion referral from the full council re large scale residential developments and two motion referrals from other local authorities.

The Meetings Administrator confirmed that following communications from the members with the Cathaoirleach at the weekend, he had issued an email to the Taoiseach and to Minister Simon Coveney on behalf of the members of Kildare County Council, representing the people of Kildare, calling for the expulsion of the Russian Ambassador to Ireland in response to the unlawful invasion of Ukraine by President Putin and to show Ireland's support for Ukraine's government and people.

The correspondence was noted.

10/0222

Conferences and Training

The members considered the conference and training report that was circulated in advance of the meeting. The Meetings Administrator confirmed that approval was sought for Councillors A Connolly, I Cussen, F Brett, B Weld, A Breslin, A Breen, P O'Dwyer, T O'Dwyer, B Caldwell, S Moore, C Galvin, B Clear, D Fitzpatrick and S. Doyle to attend Microsoft O365 for end users online training, total cost of €745 , and for Councillor B Clear and V Liston to attend the IPI Annual Training Conference on the 7 & 8 April in the Hotel Ormonde, Kilkenny at a fee of €330 pp plus travel and subsistence.

Resolved on the proposal of Councillor Farrelly seconded by Councillor Breen and agreed by the members present that an application from Councillors A Connolly, I Cussen, F Brett, B Weld, A Breslin, A Breen, P O'Dwyer, T O'Dwyer, B Calewell, S Moore, C Galvin, B Clear, D Fitzpatrick and S. Doyle to attend online Microsoft O365 training for End Users, at a total cost of €745, and for Councillor B Clear and V Liston to attend the IPI Annual Training Conference on the 7 & 8 April in the Hotel Ormonde, Kilkenny at a fee of €330 pp plus travel and subsistence, was approved.

The Cathaoirleach sought the proposing members agreement to take agenda items no 10 & 11 together as they related to a similar issue. The members agreed.

11/0222

Kilteel Water Scheme and reports on water quality in Kildare

The following motion in the names of Councillors Evie Sammon and Fintan Brett was considered by the members.

That the council provide an update on the provision of water to the affected households in the Kilteel water scheme area and what mitigation measures are taking place to ensure other Group Water Schemes in the county are not affected.

The motion was proposed by Councillor Sammon and seconded by Councillor Brett

The following motion in the name of Councillor Colm Kenny was considered by the members.

That the reports on water quality from all the Group Water Schemes in Kildare are published online in a timely manner.

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

A report from Mr J Boland, Director of Services, Water Services, Environment and Climate Action stated that by way of background, the Council has a service level agreement with the HSE who carry out sampling of group water schemes [5 countywide including Kilteel] on its behalf.

Kildare County Council has issued a 'DO NOT CONSUME NOTICE 'arising from a notification of an exceedance from a recent sample [elevated levels of arsenic]. This remains in place.

Kildare County Council have made provision in the 2022 Group Water Scheme/Small Private Supplies Monitoring Programmes to include quarterly samples to test for arsenic at Kilteel GWS. This is in addition to the 3 No. annual compliance monitoring samples taken throughout the year. On behalf of Kilteel GWS, Kildare County Council has submitted a 'Pre-connection Enquiry Application' to Irish Water to ascertain whether or not a connection to the public network is technically feasible. The application was submitted on the 09 February 2022. Due to the significant level of analysis required, it is estimated that it may take up to 16

weeks to issue a 'Confirmation of Feasibility'. Should the outcome of the Pre-connection Enquiry determine that a connection is technically feasible, Kildare County Council and/or Kiltel GWS will then submit the connection application to Irish Water. This will provide details as to the level of investment/works required to provide the necessary public infrastructure to allow for a connection to the public network.

The Council has also been in touch with its parent Government Department [DHLGH] on the matter and has briefed relevant officials. As matters stand, neither the Council nor the DHLGH are aware of any capital equipment or new technologies which could be installed to address the problem, though this is still being investigated. Realistically, connection to the public main would seem to be the only current feasible option and, realistically, the best long-term option.

The Council will not be supplying tankers although it is open to the Trustees, if considered merited, to arrange this themselves from their annual grant and I understand that they are currently looking at options in this regard.

Kildare County Council will continue to monitor all private Group Water Schemes within the county at the necessary frequencies and as specified in the EU (Drinking Water) Regulations 2014 as amended by the EU (Drinking Water)(Amendment) Regulations 2017.

From results obtained within the 2021 monitoring programme, it is noted that no other private Group Water Scheme in Kildare had recorded an arsenic exceedance. Kildare County Council will continue to monitor arsenic levels within each of Kildare's private GWS through audit sampling. Household Wells/Private Wells are exempt supplies (exempt from Drinking Water Regulations) and are therefore not subject to compliance monitoring. However, arsenic will now be included as 1 of 16 parameters which must be tested as part of any future well grant application received by Kildare County Council.

The Council is not currently making any assumptions as to the likely cause other than to say that arsenic is a naturally occurring element commonly found in both ground and surface waters. The Council's Rural Water Section is currently in consultation with the Environmental Health Officer on the matter.

The Trustees could also consider carrying out a geological/hydrogeological investigation to determine the cause. Certainly, the National Federation of Group Water Schemes would possibly be best placed to advise them in this regard. The Council, for its part, would also be willing to provide advice and guidance.

Just to reiterate that the Council's own testing (Water Framework Directive) throughout the county would suggest no elevated levels of arsenic in the Liffey catchment near Killeel. Its Water Services Section is unaware of any such issues elsewhere in the county and, indeed, has never come across this issue previously.

Water Services do not recommend posting the private water supply results online for the following reasons.

The results belong to the GWS trustees and members. The results may contain the address and name of persons if there is an exceedance and this is considered sensitive information under GDPR. Group Water Schemes are private entities and the results are not for the public domain without their permission.

The Council only receives the results from the City Laboratory where there is exceedance and the HSE write the health advice and send it directly to the Trustees affected. The Council will then follow up in terms of advice/guidance and further sampling.

ROLES

Local Authorities are the supervisory authority responsible for ensuring that regulated private water supplies meet the requirements of the Drinking Water Regulations by:

- Sampling regulated private water supplies to check water quality.
- Investigating where water quality standards are breached.
- Assisting private supply owners with advice and guidance to improve their water quality.
- Taking enforcement action if private water supplies are not taking steps to improve water quality in supplies that fail to meet the standards.
- Administering of funds allocated under the Multi Annual Rural Water Programme.

The **HSE** provide public health advice to the local authorities if a water quality breach is thought to pose a risk to the health of private water supply users.

The **EPA** support the private water supply sector by:

- Publishing drinking water treatment advice and guidance.
- Auditing local authority monitoring programmes
- Reporting on water quality in private water supplies

Councillor Brett thanked the Director for the report and stated that the residents of Killeel got notice on the 5th January 2022 not to drink the water and this was impacting on 55 families and 7 other entities in the area. He stated this was the first time arsenic had been discovered in a group water scheme and confirmed a tanker would cost €1k a week. He also stated it would cost €100k to get the 2.5km distance to connect to the public main, which could take 18 months to 2 years to complete. He confirmed that Irish Water were going to drill another borehole to see if they can locate an alternative water source adding Irish Water needed to engage fully and support the community in this and provide water to the residents in the short-term until a longer-term solution is found.

Councillor Kenny asked if there was a Service Level Agreement with Irish Water/HSE/EPA and enquired if the council was aware if the arsenic was naturally occurring or manmade. He confirmed that Irish Water do make a lot of information available around testing and stressed the importance of monitoring trends as well as static results. Councillor Hamilton sought clarification on the implications for the public and asked if there was information on what had changed/occurred to raise the levels so dramatically.

Mr Boland acknowledged all the representations from the members on this matter and stated he was not going to speculate on the cause of the levels in the water and that the test information was information belonging to the Group. He confirmed that the council was working with the Group Water Scheme to explore all options and that Irish Water were looking at alternative water sources also. He noted that whilst all support has been given, the primary responsibility for the matter lies with the trustees of the Group Water Scheme. On request, Mr Boland undertook to circulate the water quality parameters used by the HSE confirming the council was working with all the

stakeholders to try and resolve the matter but noted that the issue would not be fixed in the short term.

Resolved on the proposal of Councillor Sammon, seconded by Councillor Brett and agreed by the members present, the report was noted.

13/0222

Learn to Cycle Park

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

That the council consider the installation of a Learn to Cycle Park in County Kildare, similar to the recent one opened in Dungarvan.

The motion was proposed by Councillor P O'Dwyer and seconded by Councillor A Feeney.

A report from Ms M Higgins, A/Director of Service, Economic Development and Community and Culture stated that subject to the members approval and in order to progress this project further, investigation would be required in collaboration with the Road Safety Officer, a suitable site would need to be located and funding sourced. Following any such investigations, the project could then be considered in the overall capital workplan.

Councillor P O'Dwyer outlined how a similar proposal had recently been launched in Dungarvan Co Waterford, stating the council should include it as a CDP objective in the forthcoming plan as it was important to give children and adults the opportunity to be safe cyclists. The members supported the proposal, especially given Kildare had the highest proportion of Greenways running through it.

Ms Wright confirmed that pre-covid, the council was running safe cycling training with a number of schools throughout the county and hoped to expand on that further. She also confirmed that the Senior Engineer in the Sustainable Travel team had travelled to Waterford to view the park referred to.

Resolved on the proposal of Councillor P O'Dwyer, seconded by Councillor A Feeney and agreed by the members present, the report was noted.

14/0222

Rules of Succession to a Local Authority Tenancy

The following motion in the name of Councillor Mark Stafford was considered by the members.

That the council furnish a report outlining its rules of succession to a local authority tenancy; and for each of the last 5 years - confirm the number of dwellings that revert back to the council on the death of a tenant, the number of inherited tenancies and the number of those that are disputed.

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

A report from Ms A Aspell, Director of Service, Housing and Corporate Services stated that the policy relating to the succession of a Kildare County Council tenancy is laid down in the council's Allocation Scheme for Social Housing 2016. The following is a summary of the policy:

- In the case of joint tenants, where one tenant dies, the succession of the tenancy may be allowed to the surviving tenant.
- Where a tenant(s) dies, the dwelling may be granted to the next member of the family, provided that the person has resided in the property as their normal place of residency, and they have been assessed for rent purposes for a minimum of two years up to and including the time of the bereavement of the original tenant.
- Where there are two or more surviving members of the family who fulfil the above criteria, a joint tenancy may be granted by the council.
- Under some circumstances where succession is being considered, the council may require the existing family member(s) to move to another property if it considers the property to be too large or the property has been designed or adapted for the use of someone with a disability who no longer resides in the property.
- No succession will be allowed where the property has been designated as an Older Persons Dwelling where the person applying is not an elderly person.
- In all cases rent payments must be fully up to date.

In the period February 2017 to January 2022, 165 successions were granted. We do not have computerized records of refusals or disputed cases. However, we have checked the manual files for the period February 2020 to January 2022 and there were 9 refusals. Of the nine, 5 were appealed, none of the appeals were upheld, therefore all nine properties were returned to the Council. During the same period our computerized records show that 82 successions were granted.

Councillor Stafford thanked the Director for the report and enquired in relation the number of tenancy's that revert back to the council, noting the relevance in terms of the tenant purchase scheme and in encouraging integration. Ms Aspell stated she was unsure if this information was available as the current system used did not code information that way but undertook to check. On enquiry, Ms Aspell also confirmed the 2016 Housing Allocation Policy was on the SPC work programme for review in 2022.

Resolved on the proposal of Councillor Stafford, seconded by Councillor T O'Dwyer and agreed by the members present, the report was noted.

15/0222

Marked Cycle Routes

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

That the council, in conjunction with the national cycle network and utilising rural regeneration funding, work with neighbouring counties, Wicklow and Carlow to develop marked cycle routes along the R448, Carlow to Naas connecting with Athy via the N78 and a cycle route also connecting Castledermot to Baltinglass along road L4015 to the N81.

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

A report from Ms E Wright, Director of Service, Roads, Transportation and Public Safety stated that Transport Infrastructure Ireland (TII) is currently developing a

National Cycle Network Plan (NCN) and has established an Advisory Group, the membership of which includes the Department of Transport, National Transport Authority and the City and County Management Association (represented by Kildare County Councils Director of Roads and Roscommon County Councils Director of Roads)

The Strategic National Cycle Network Plan is being developed in consultation and coordination with the NTA's development of the regional and county cycle network plans. NCN will also interface with urban road networks, cross border and the Eurovelo route*. It is anticipated that up to 10 national cycle corridors will be identified and ensuring connectivity will be a key issue. There will be consistent signage and markings on the routes identified.

*EuroVelo starts in the village of Bridge End in County Donegal, the route winds along quiet rural roads and cycle routes, all the way to Rosslare in the south east of the country and includes greenway routes along the way including the Great Western Greenway, the Great Southern Greenway and the Waterford Greenway.

Councillor Behan thanked the Director for the report stating the matter in the main related to the Leinster Loop, which begins in St Lawrences GAA in Narraghmore. She asked the council to promote Kildare as being part of the Loop route and to seek the necessary agreement from the relevant entities to install the signage on the roads, similar to what Kilkenny has in place.

Resolved on the proposal of Councillor Behan seconded by Councillor Fitzpatrick and agreed by the members present, the report was noted.

16/0222

Promotion of Volunteerism in the County

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

That the council carries out a survey of community groups via the Kildare Public Participation Network (PPN) to determine what actions can be taken to promote volunteerism in the county.

The motion was proposed by Councillor Wyse and seconded by Councillor A Feeney.

A report from Ms M Higgins A/Director of Services, Economic Community & Culture Development stated that subject to the agreement of the members, the Economic Development Community & Cultural Section will work with our partners in the Kildare Public Participation Network to survey our community groups. As part of this, we can link with the Kildare Volunteer Bureau to develop the survey.

Councillor Wyse outlined that a lot of local volunteer groups had lost a lot of volunteers and momentum as a result of the pandemic noting that the Derrinturn Tidy Towns committee had disbanded after 15 years in operation. He was aware that a lot of sporting clubs had lost volunteer coaches too. Councillor Feeney supported the motion stating she had been involved in setting up volunteering groups in her place of work which had proved difficult also. Councillor Farrelly suggested that the National Youth Council be asked to put out a national call for volunteers to get involved.

Ms Higgins agreed with the members comments noting people had fallen out of the habit of volunteerism as a result of the pandemic. She confirmed the council would develop the message and broaden out the message as suggested by Councillor Farrelly.

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

17/0222

Car Club Bye-laws

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

That Comhairle Contae Chill Dara enact Car Club Bye-laws and provide infrastructure if necessary to facilitate the operation of Car Clubs.

(https://www.dublincity.ie/sites/default/files/media/file-uploads/2018-08/Car_Club_ByeLaws_2013.pdf)

The motion was proposed by Councillor N Connolly and seconded by Councillor Clear.

A report from Ms E Wright, Director of Service, Roads Transportation and Public Safety stated that a review of the current Parking Framework document will form part of the Transportation, Safety and Emergency Services SPC work plan for 2022. If the members agree, it would be appropriate that this motion asking this Council to consider enacting Car Club Bye-laws should form part of that review. Areas to be examined would include feedback from other local authorities operating this facility, infrastructure requirements, resourcing requirements both financial and human and locations i.e. off street car parks/park and ride facilities etc.

Councillor N Connolly stated that bye-laws had been adopted in Dublin City Council in 2013 and they had utilised a lump sum payment to cover the lost parking charges. He also noted that one operator had partnered up with a supermarket in rolling the service out and having regard to our climate action targets, these type of proposals needed to be considered.

Resolved on the proposal of Councillor N Connolly, seconded by Councillor Clear and agreed by the members present, the report was noted.

18/0222

Youth Membership on all Strategic Policy Committees

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

That the council begins to put in place the necessary supports to facilitate youth membership on all Strategic Policy Committees from 2024.

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

A report from Ms A Aspell, Director of Service, Housing and Corporate Services stated that the current SPC Scheme will be due for review in 2024, coinciding with the election of a new council. Should the members agree to incorporate youth membership on future SPCs, this will have to be considered and agreed by the incoming council members during the consultation phase of the next SPC Scheme review. It is worth noting that anyone under the age of 18 is considered to be a child, and their membership on any committees would have an implication from a GDPR and Child Protection point of view.

The members might wish to consider discussing this proposal further as a collective, with a view to agreeing a proposal to be considered during the review of the SPC Scheme in 2024.

Subject to the members agreement, the Corporate Services section can also write to the Department of Housing, Local Government and Heritage (DHLGH) to request them to consider including guidance on youth membership of SPC's in any future Guidelines for Local Authorities in the establishment and operation of SPCs.

Councillor Farrelly thanked the Director for the report stating Kildare had the highest youth population in the country and whilst young people did not have a vote, they had a voice and a lot to offer when involved. He noted the members had supported his motion to the February 2020 council meeting around youth membership on the SPC's and that Child Protection requirements should not be used as a way to prevent their inclusion. He asked that the matter be referred to the Protocol Committee. He also stated he was happy to be a part of a sub-committee/group to work on having a proposal in place in advance of the next local election and scheme review in 2024. The members supported Councillor Farrelly's proposal.

Ms Aspell stated the executive supported the motion noting it was the mechanism to facilitate youth representation that needed to be worked on. She also noted it would be in the hands of the incoming council in 2024 to include this request in the new SPC scheme. She supported the proposal that the motion be referred to the Protocol Committee to further explore possible mechanisms to enable youth participation on SPCs.

Resolved on the proposal of Councillor Farrelly, seconded by Councillor Killeen and agreed by the members present, the report was noted and agreement reached to refer the motion to the Protocol Committee.

19/0222

Local Food Purchasing Policy

The following motion in the name of Councillor Tracey O' Dwyer was considered by the members.

That Kildare County Council considers adopting a Local Food purchasing policy, in line with the Environmental Protection Agency's Green Public Procurement principles when procuring catering services, thus helping to support the local food system, improving the availability of local produce and increasing employment within the local food sector.

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

A report from Ms A Aspell, Director of Service, Housing and Corporate Services stated that subject to the members agreement, when we are considering any future catering requirements we will investigate including this in any tender request subject to advice from the Procurement Officer.

Councillor T O' Dwyer thanked the Director for the report stating she looked forward to it being adopted and implemented in the future.

Resolved on the proposal of Councillor t O'Dwyer, seconded by Councillor E Sammon and agreed by the members present, the report was noted.

20/0222

Safety of Our Elderly Community

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

That the council asks the County JPC Committee to consider the establishment of a cross-agency working group to co-ordinate a strategy and action plan that outlines

the actions being taken or to be taken to improve the safety of our elderly community through direct actions, linking existing actions and awareness.

The motion was proposed by Councillor Duffy and seconded by Councillor P O'Dwyer

A report from Ms M Higgins, A/Director of Service, Economic Development and Community and Culture stated that subject to the agreement of the members, the motion can be forwarded to the JPC steering committee for consideration for inclusion on the quarterly meeting agenda for June. The members may wish to note that the JPC strategy includes the following objective: "To liaise with older people in the county through the Kildare Older Person's Council". Also, a representative of the Older Person's Council sits on the JPC.

Councillor Duffy thanked the Director stating it was timely to raise the issue and seek cross agency support to an agreed approach in tackling the safety issues that were arising within the elderly community. The members supported Councillor Duffy's motion and Councillor Brett spoke in his role as Chair of the JPC, confirming the Older Persons council was well represented on the committee and the Community CCTV scheme was now ready to go to tender. It was also noted that identifying and locating elderly members of our community was an issue raised by the Gardai at local JPC level, and the members had an important role in this area also.

Councillor Duffy thanked the members for their support and asked that his motion be referred to the JPC steering committee for consideration for inclusion on their quarterly meeting agenda in June.

Resolved on the proposal of Councillor Duffy, seconded by Councillor P O'Dwyer and agreed by the members present, the report was noted and the motion be referred to the JPC steering committee for consideration for inclusion on their quarterly meeting agenda in June.

21/0222

Social Infrastructure Requirements

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

That having regard to the increasing population in Kildare and the corresponding increase in demand on public amenities such as parks, playgrounds and open spaces, can the council confirm how it is planning to meet the necessary demands for these social infrastructure requirements.

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

A report from Ms M Higgins, A/Director of Service, Economic Development and Community and Culture stated that due to Kildare's population growth over the last 10 years we have seen a substantial increased demand for public amenities. In 2012 the Parks Department managed 12 playgrounds with a staffing of 2. In more recent years, the remit of the Department has increased to cover such amenities as Skateparks, Outdoor gyms, climate sustainability actions, planning SHD (1 full time Executive Parks Superintendent) and tree maintenance.

Within the current infrastructure, the team manages 30 playgrounds, 11 outdoor gyms and 3 skateparks with a staffing of 9.5. The current Capital Programme outlines in excess of 50 projects to support the need for additional social infrastructure such as parks, playgrounds and open spaces. The staffing compliment is currently under review in order to ensure that we are in a position to provide day to day maintenance, as well as capital project development.

Councillor Clear stated that all members were aware of the lack of resources in the Parks department noting that Kildare was the second least funded local authority in the country. He stated that account had to be taken of the huge population increase in the county and that Kildare now had similar numbers to South Dublin County Council. He stated that Park facilities were used by both young and old and he appealed to the executive to assign more staff to this important department. The members were unanimous in their support for the motion stating that the public had high expectations in this area and asked the council to go back to the Department of Housing, Local Government and Heritage looking for increased funding and resources for Kildare.

Ms Higgins thanked the members for their support for the work being done by the Parks department as it had seen a huge increase in demands placed on it. She confirmed that management were actively looking at the staff compliment for this section adding that per capita, Kildare was very under resourced. She noted that the Parks remit in South Dublin County Council included several other elements of work but that the Chief Executive was very conscious of the demands being placed on the council in this area.

Councillor Clear thanked Ms Higgins for the report and thanked the Chief Executive for agreeing to review the resources in this section.

Resolved on the proposal of Councillor Clear, seconded by Councillor Behan and agreed by the members present, the report was noted.

22/0222

List of Council Owned Lands in Excess of 0.25 ha

The Cathaoirleach confirmed Councillor Noel Heavey had withdrawn his motion and was referring it to his Municipal District Committee instead.

23/0222

Drafting the Current Standing Orders

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

That the council clarify what, if any, legal or corporate governance advice has been sought or provided to the Protocol Committee when drafting the current Standing Orders for meetings of the council and its response to the June 2019 resolution of the council – ‘That the council resolves to implement the broadcasting of public meetings of the Full Council and refers the matter to the Protocol and Procedures Committee to consider a specific proposal and budgetary provision be made for its introduction during the forthcoming budgetary process’ - or in relation to its terms of reference and programme of work.

The motion was proposed by Councillor McLoughlin Healy and seconded by Councillor N Connolly.

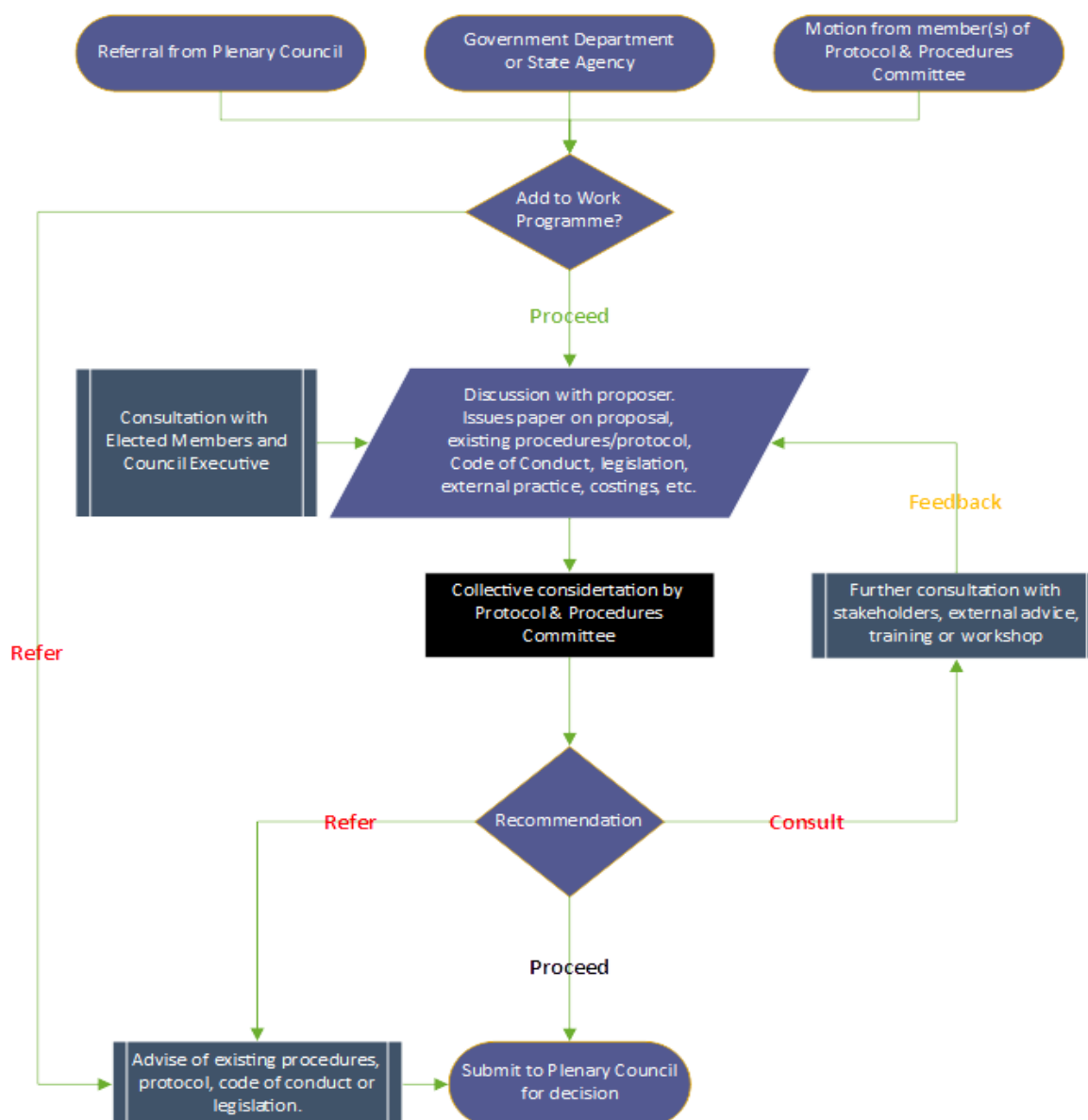
A report from Ms Aspell Director of Service, Housing and Corporate Services stated that the current Protocol and Procedure committee established by the council in June 2019 has not sought or been provided with legal advice when drafting the current standing orders or in relation to any other item on its work program. The committee in drafting standing orders had regard to the following legislative requirements and relevant codes along with the previously adopted standing orders and standing orders of other local authorities.

- Schedule 10 of Local Gov Act 2001 as amended
- Department Guidance 2002 LG 4 2002 Suggested Standing Orders
- Department Guidance 2014 – LG11/2014 Suggested Rule of Procedures for Municipal Districts
- Revised Code of Conduct for Councillors 2019
- LG 07/2020 Guidelines for Supplementary Standing Orders regulating proceedings in relation to remote meetings of council.

The diagram below shows the workflow process for the committee and was brought to full council in November 2019 where the members resolved to note it.

The Protocol and Procedures Committee is not a decision-making committee but makes recommendations through the Corporate Policy Group to council for the decision of the plenary council.

The work programme of the committee is as per the agenda circulated for each meeting of the committee and along with the minutes of the committee are available to the members of the council on the Members Information Portal so that members can keep up to date with the work of the committee.



Councillor McLoughlin Healy expressed her dissatisfaction with the current standing orders which in her view had resulted in restricting and limiting the members rights in relation to the right to amend minutes and the changes to the requirement to ask for roll-call votes (an increase from 5 to 11) noting some councils carry out roll-call votes on request with no support required. She expressed the view that needing a seconder to move a motion was unconstitutional and that removing the ability to raise issues related to non-council business had restricted the mandate given to the members by the public to raise important issues on their behalf. Councillor McLoughlin Healy also noted that the members of the council had supported the introduction of webcasting in June 2019, but that in November 2020 a report was received from the Protocol Committee recommending a delay in its introduction and

it was her view that the Protocol Committee had acted outside its remit in that regard.

There were no further contributions made by the members.

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

The meeting concluded