

KILDARE COUNTY COUNCIL
Minutes of meeting of Full Council held at 3:00 p.m.
Monday 31 January 2022 on
Microsoft Teams

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

Apologies: Councillor D Fitzpatrick.

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

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

01/0122

Bereavements

The Cathaoirleach extended his sympathy to the family of the late:
Shelia Heydon Hughes mother of Minister Martin Heydon TD

Bill Comerford, father of Paula Comerford, Finance.

A minute's silence was observed.

02/0122

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. Councillor Noel Heavey declared he was a member of Junefest in Newbridge.

03/0122

Minutes and Progress Report

The council considered the minutes of the monthly meeting held on 20 December 2021 together with the progress report.

Resolved on the proposal of Councillor Peggy O'Dwyer, seconded by Councillor Anne Breen and agreed by the majority of members present that the minutes of the monthly meeting on 20 December 2021, be adopted.

The progress report was noted.

04/0122

Chief Executive's Monthly Management Report

The members noted the Chief Executives monthly management report.

05/0122

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 the members had received the statutory notice setting out the details of the proposed disposal.

Following discussion by the members, the following points were made:

- That the council revert to the occupier and request that they improve and tidy up the boundary treatment in advance of any transfer.
- Was there a precedent being set by agreeing to this disposal and what were the ramifications of approving it.

- Clarification sought around the statute of limitations timeframes applicable ie. 12 years and 30 years.
- Consideration be given to inserting a clause as part of the disposal, that there would not be development on the land being transferred.

Councillor Durkan asked if the decision on this disposal could be deferred and undertook to circulate further information related to the statute of limitations relevant to public authorities after the meeting.

Resolved on the proposal of Councillor Durkan, seconded by Councillor Cussen with 35 members voting in support of deferring the disposal, no members voting against the deferral of the disposal and one member abstaining, the disposal of 0.0111ha (100sq.m) of open space at the side of 25 Willowbrook Grove, Celbridge, Co Kildare was deferred to the February meeting of council.

06/0122

Appointment of external member to the Audit Committee

The members considered the report circulated in advance of the meeting in relation to the appointment of an external member to the Audit Committee to fill the vacancy created by the resignation of an existing committee member.

Councillor McLoughlin Healy stated that the council needed to focus on best practise when it came to corporate governance and the systems for implementing same, especially in relation to the appointment of external members to key positions such as this. She noted the Local Government Act was not clear in relation to the nomination process, as it merely stated that following consultation with the Chief Executive, the nominees go to full council for approval. In relation to any position that has an oversight/control function, she stated she would like to see the selection process being publicly advertised using the likes of Useboard and Linked-in, and that CPG would consider the applications arising from that process and the nominee would then be recommended to full council for approval, and that this process would protect all parties to the nomination process.

Following discussion, the following points were raised by the members:

- Could the Chair of the Audit Committee be part of the nomination process

given the significant nature of the role of the committee members.

- The Audit Committee does not have a role in the selection of committee members
- If someone was leaving a committee, it was best practise to conduct an exit interview and could such an interview be arranged with the outgoing committee member.
- Consideration be given to inviting expressions of interest for “potential” candidates that would be interested in such roles and create a panel from which to appoint acting roles .

The Chief Executive confirmed that Ms O’Gorman was not her nominee and that there had been a discussion at the CPG meeting on the process for this nomination. She noted the legislation was silent on the process and as this was a mid-term appointment, CPG had agreed that the position be filled as outlined to expedite the business in hand, and that public advertisement be considered for the next term of council in 2024.

Resolved on the proposal of Councillor Moore, seconded by Councillor McEvoy and agreed by the members Ms Aislinn O’Gorman was appointed as an external member to the Audit Committee.

07/0122

Quarterly Update on Climate Action

Mr Boland stated that the quarterly update to council was on the recommendation of CPG and this was the first iteration of the report and that the format would evolve over time. He thanked the Housing Department for feeding into the report detailing out the initiatives and results achieved under Climate Action proposals and confirmed a different Departments work would be showcased each quarter.

Mr Boland stated that the CCMA had approved the draft Climate Action Plan Ministerial Guidelines in relation to the Local Authority Climate Action Plans, which would now be issued to the DECC for review and discussion. He confirmed that a report on the pilot phase of the Key Performance Indicators project had been approved by the CCMA Climate Action, Transport & Networks committee, and the working group, including CARO, had been asked to commence development of

outcome indicators in support of the new Local Authority Climate Action Plans. He stated that work continued around economic opportunities arising out of climate action and that CARO had met with all directors in the counties affected by the Just Transition Project, and the project governance structure had now been established. He added that in accordance with the report *Imagining Local Authority Fleet 2030* - all 31 local authorities had submitted their surveys and work was ongoing to analyze those returns.

Mr Boland outlined the ongoing projects that the Climate Action SPC and Climate Action Team were working on, to include the Decarbonising Zone, Mid East Energy Bureau noting that Kildare County Council was engaged in a process to form an Energy Bureau SECAP/CAP. He noted other projects included the SECs, Public Sector Monitoring & Reporting, alternative fuels for Plant and Machinery and the Circular Economy, Climate Innovation Fund at Municipal District level and continuing community engagement in supporting climate action projects and building capacity. Mr Boland also confirmed that Urban Foresight Limited had been appointed to develop a “Local Just Transition Action Plan” across the Athy, Clane-Maynooth and Kildare-Newbridge MDs in response to the councils role in the MRTT process and Bord na Mona’s Green to Brown Strategy, and that further consultation was ongoing with Bord na Mona to inform and enhance the final document. He stated the Climate Action Office was also researching funding opportunities and the viability of partnering with others to enable the use of the newly announced Strand 2 funding under the Government’s Climate Action Fund, Creative Ireland and other funding streams and that potential topics were being explored and developed.

Mr Boland concluded by stating that a dedicated Climate Action SPC had helped the process enormously and thanked the members for their interest and support for this important body of work noting the issue of Climate Action was a cross-cutting one departmentally and societally, and this was the key message Kildare County Council wanted to deliver.

08/0122

Amendment to Commercial Incentive Scheme

The members considered an amendment to the Commercial Incentive Scheme which had been discussed at the Finance Committee and at CPG who recommended it go forward to full council for approval.

The proposed amendment to the Commercial Incentive Scheme was as follows:

From:

The grant applies to the extent that there is a net increase in occupation in the county, ie relocation from one property to another does not qualify. The rates payable on the property from time of occupation must be fully discharged before any grant is payable. Actual occupation of less than 1 year will not qualify for the scheme.

To:

The grant applies to the extent that there is a net increase in occupation in the county, ie relocation from one property to another does not qualify in full. Where there is a relocation, only the differential increase will be eligible for the grant. Where a property is extended into a previously vacant unit (where the vacant unit would have been eligible if it were occupied by a new business), the grant will apply to the additional area occupied. The rates payable on the property from time of occupation must be fully discharged before any grant is payable. Actual occupation of less than 1 year will not qualify for the scheme.

Resolved on the proposal of Councillor Duffy, seconded by Councillor Caldwell and agreed by the members the amendment to the Commercial Incentive Scheme as outlined, was approved.

09/0122

Gnó an Cathaoirleach/Cathaoirleachs Business

The Cathaoirleach informed the members that in the last month, he had accepted an invitation to the Curragh racecourse to hear their plans for the flat racing season ahead. He confirmed he had attended the Kildare v Kerry match in Newbridge the previous day and wished Kildare well in the league. In the lead up to St Brigid's day, he asked all the members to promote the message of Hope through their own communication platforms and stated he had visited Kildare Town and had recorded a

piece on St Brigid to issue the following day. He thanked the members and staff for their co-operation during the recent CDP workshops, noting that a special meeting of council was being held on the 24th and possibly the 25 January, on the County Development Plan review. He also confirmed a letter would be issuing after the meeting following the Petition he had received on Spina Bifida and Cappagh Hospital. The Cathaoirleach also confirmed he had received an invitation from the Kildare Branch of the New York Association to attend their St Patricks Day celebrations and that he intended to take up this kind invite.

The Cathaoirleach sought the members views in relation to the return of in-person meetings and proposed that the February meeting of full council be held in Newbridge Town Hall, subject to the hall being available.

Resolved on the proposal of the Cathaoirleach, seconded by Councillor McLoughlin Healy and with the agreement of the majority of members present that the February meeting of full council would be held in Newbridge Town Hall.

Following enquiry, the Cathaoirleach confirmed that a hybrid meeting was not possible in Newbridge Town Hall adding that he was anxious that the matter of hybrid meetings be advanced as quickly as possible. The Meetings Administrator confirmed there was a Hub in the council chamber that could facilitate a couple of people attending remotely and which had been used at Municipal District meetings, but the council did not currently have the IT infrastructure to facilitate a hybrid meeting in Newbridge Town Hall.

Following discussion, it was agreed that information be provided to the members via the February Progress Report giving an up-to-date report on the plans for providing effective hybrid meetings to include the ability to broadcast council meetings. The Cathaoirleach asked that any issues arising from the report be raised with him or the Meetings Administrator.

10/0122

Comhfhreagras/Correspondence

The Meetings Administrator confirmed eleven items of correspondence had been circulated to the members with the Progress Report. These included correspondence

from Minister of European Affairs, responses from the Minister for Planning & Local Gov, NTA and Minister Martin Heydon TD in relation to motion referrals from the full council and seven motion referrals from other local authorities.

The correspondence was noted.

Councillor McLoughlin Healy proposed that her motion from the November meeting of council regarding Section 212 of the Local Government Act 2001, as amended regarding Public Local Inquiries and the response received be referred to the AILG and LAMA to see if this matter could be progressed by them.

Councillor Doyle seconded Councillor McLoughlin Healy's proposal.

Resolved on the proposal of Councillor McLoughlin Healy, seconded by councillor Doyle and agreed by the members that Councillor McLoughlin Healy's motion from the November meeting of council regarding Section 212 of the Local Government Act 2001, as amended regarding Public Local Inquiries and the response, be referred to the AILG and LAMA to see if this matter could be progressed by them.

11/0122

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 Councillor C Galvin to attend at the AILG "Elected Members Personal Security and Risk Assessment training in the Mullingar Park Hotel on the 17 February or The Silver Springs Hotel Cork on 19 February with a fee of €70, and for Councillor B Clears attendance at the OPR & Irish Water Webinar on Development Plan & Planning Infrastructure and the implementation of the Development Plan initiatives on Friday 25 February, no fee applied and for Councillors VL Behan, A Breen, N Connolly, Í Cussen, S Doyle, N Killeen and F McLoughlin Healy for Barnardo's run Childrens First online training, date to be confirmed, at a cost of €880 for up to 16 attendees.

Approval sought for further education training support for Councillors C Galvin and C Kenny to undertake the Certificate in Continuing Professional Development in Climate Crisis and Local Government, venue to be confirmed with an overall cost of €525 with 50% payment from the council on successful completion of the course.

Councillor Kenny confirmed the course was fully subscribed and for this reason, he was withdrawing his application for funding.

Councillor McLoughlin Healy asked that the matter of qualifying third level courses and what is covered by the training budget be revisited with the Department as she considered the eligible courses and qualification focus was too narrow. The Meetings Administrator clarified that the course Councillor McLoughlin Healy had sought to undertake could not be funded as it was not covered by the relevant regulations and that it was not a decision of the council. The question has been raised with the department to consider.

Resolved on the proposal of Councillor S Doyle seconded by Councillor M Leigh and agreed by the members present that an application from Councillor C Galvin for attendance at the AILG Training on 17th or 19th February, for Councillor B Clears attendance at OPR & Irish Water Webinar on the 25th February and for Councillors VL Behan, A Breen, N Connolly, Í Cussen, S Doyle, N Killeen and F McLoughlin Healy for Barnardo's Children's First online training, at a cost of €880, be approved. Approval for further education training support for Councillor C Galvin to undertake the Certificate in Continuing Professional Development in Climate Crisis and Local Government, overall cost of €525 with 50% payment from the council on successful completion of the course, was also approved.

12/0122

Capital Programme Report

The following motion in the names of Councillors Robert Power, Brian Dooley, Michael Coleman, Paul Ward, Daragh Fitzpatrick, Noel Heavey, & Carmel Kelly was considered by the members.

That in the interest of equitable distribution of investment in the county, a report on the council's capital programme be given to members outlining the following;
Breakdown of investment in each category for both prospective and retrospective (2016 to date) for each municipal district. A list of all projects on the capital programme in order of date including each date outlined. That each project be categorised with regard to potential/ likely funding stream ie fully local government funded, matching funds & externally funded.

The motion was proposed by Councillor S Doyle and seconded by Councillor B Dooley.

A report from Ms B Sweeney, A/Head of Finance stated that as part of the 2021 works programme the Finance Committee had requested a more detailed analysis of the capital programme by Municipal District (MD). Unfortunately, this was not completed in time for the capital programme 2022–2024 that went to Council for the November 2021 Budget meeting. This analysis has now been completed and the new format for the Capital Programme report agreed by the Finance Committee is now attached for the Capital Programme 2022-2024.

The Housings, Roads and Surface Water elements of the Capital Programme are highly dependent on matching funding (grants) with the balance funded through the development contributions scheme. Grant/externally aided projects are prioritised as they maximise the funding available to Council. As per the Development Contribution Scheme (that was approved by Council), roads and surface water development contributions are treated as a county-wide resource in order to maximise use of grant funding.

Both the Community and Recreation Development Contributions are ring-fenced for use within the individual MD in which they are raised. It is expected that these will be the areas in which the MDs will be able to maximise their input into the assignment of these contributions. There is a new Development Contribution Scheme to be approved by Council in 2022.

Capital projects must go through various stages before construction commences and this can be a long process over several years, whereas the Capital Programme is a three-year programme. See Appendix 1 below which shows the lifecycle of the current Naas Library project, which has taken six years and this was a straightforward project where KCC owned the site and the contractor who won the tender was able to start quickly.

The attached report Capital Programme 2022-2024 shows the expenditure by MD and all projects have been analysed under the following stages with the Estimated Start Dates for the next stage also included:

1. Annual Allocation
2. Pre Feasibility
3. Feasibility
4. Prelim Design
5. Part 8
6. Detailed Design
7. Tender
8. Funding Confirmation Awaiting
9. Construction

The main areas on this report that the Members have any discretion on is the Public Realm/Community & Recreation section and the graph on this report shows how this €112m for 2022-2024 is broken down by MD. The other attached report shows the actual spend on capital for 2016 to 2020 by MD.

The Finance Committee had previously recommended to Council that at each MD meeting in June/July that the Capital Programme would be an item on the agenda. The Finance Committee now recommends that the discussion of the Capital Programme be done at each May MD Meeting with the relevant Director for Public Realm/Community & Recreation in attendance.

The Director of Services will then consider the requests re capital projects from the MD's and these will be taken into consideration when preparing the Capital Programme for the next year.

Recommendations from Finance Committee re the Capital Programme:

1. That on all future Capital Programme that the columns denoting the MD/Phase and Estimate Start Date of next phase to be included.
2. That while the Capital Programme is part of the Budget Book presented to Council at the Annual Budget meeting for noting, that the Capital Programme is discussed at each May MD Meeting with the relevant Director for Public Realm, Community & Recreation is in attendance.

3. That each MD at their respective May MD Meeting need to agree the priority capital projects with the relevant Director for Public Realm, Community & Recreation. These projects need to be committed to and their priority not changed unless there is a material change in some element of the delivery of this project (e.g. funding source changes, land not acquired etc).

Appendix 1: Lifecycle of a capital project

To illustrate a project life cycle, the following is an example of the Naas Town Library project.

Library projects receiving funding from URDF and engage in two Departmental processes, which involves a 4-stage process with Dept of Rural and Community Development (DRCD) and LGMA Libraries Development Unit (LGMA) and separate staged process with URDF Dept of Housing.

1. Nov 2016 Business Case for Naas Town Hall Library sent to DRCD and LGMA for consideration
2. Nov 2016 Series to meetings to discuss proposal.
3. Dec 2016 DRCD request for Documentation, includes Business Case, Drawings and Costings
4. Jan 2017 Stage 1 of Tender for Design Team submitted
5. Feb 2017 Shortlisted Tender for Design Team
6. Jul 2017 Stage 2 of Tender for Design Team
7. Jan 2018 Design Team appointed
8. Sep 2018 Detailed URDF Application submitted
9. Oct 2018 Stage 1 Application submitted to DRCD (includes feasibility study, prelim drawings & cost plan)
10. Nov 2018 Part 8 Planning Application
11. Feb 2019 Part 8 Planning Approval
12. Mar 2019 Stage 1 Approval received from DRCD
13. Mar 2019 Stage 2 Application submitted to DRCD (includes revised drawings & cost plan based on their feedback)
14. Apr 2019 Stage 1 of construction tender
15. Jun 2019 URDF Approval received
16. Jun 2019 Stage 2 DRCD submitted
17. Jul 2019 Shortlist successful contractors for stage 2 of construction tender

18. Jul 2019	Stage 2 Application approval received from DRCD
19. Jul 2019	Stage 3 Application submitted to DRCD (includes revised technical drawings, library layout, stock plan, staff plan, timeline, detailed cost plan based on their feedback)
20. Sep 2019	Stage 3 Approval received from DRCD
21. Feb 2020	Stage 2 of construction tender
22. Mar 2020	Stage 4 Application submitted to DRCD (includes construction tender assessment and marking, CE Order, revised detailed Cost Plan, shelving and stock plan)
23. Jun 2020	Stage 4 Approval received from DRCD
24. Sep 2020	Construction tender awarded,
25. Sep 2020	Construction company and KCC finalising documentation
26. Oct 2020	Contract for construction tender signed
27. Nov 2020	Contractor on site to begin works
28. Dec 2020	Covid shutdown of building site
29. May 2021	Site reopens, fortnightly meetings with construction and design team with KCC
30. Aug 2022	Estimated handover of Naas Library to KCC
31. Sep 2022	Estimated snagging period - defects liability
32. Oct 2022	Expected opening of Naas Library and Cultural Centre

In conjunction with the above, a series of other processes are project managed including, purchase of collections, IT equipment, promotion, furniture, and fittings etc. This was a straightforward project where the council owned the site and contractor who won the tender was able to start quickly, and it will have taken from November 2016 to November 2022 before the project will be completed.

Note: See further attachments.

Councillor Doyle thanked the Finance Department for the detailed report and welcomed the recommendations outlined but noted that the discussions should not be related only to Public Realm, Community and Recreation. She stated that an in-depth discussion needed to be had at plenary council level where decisions around the councils needs and priorities were discussed, whilst ensuring there was an equitable distribution of projects throughout the county. She stated that the current system of the Government determining where the funding was going, and Directors

effectively competing for funds was very unsatisfactory. She also sought clarification on what mechanisms were available to the council to lobby Central Government on this matter. Councillor Killeen supported Councillor Doyle's comments and stated that as a group, the council should consider a more long term approach ie. a 10 or 20 year plan for the council.

The Chief Executive stated she understood the members frustrations noting that all Government funding received was welcome however in some instances funding becomes available that had not been planned for and the council had to be resourceful in these instances. She referenced the volume of funding been channelled through the LCDC which had in effect become a clearing house for this purpose, and that feedback from the Community and Culture department was that a calendar or a schedule of Government funding was needed for them to be in a position to manage and plan the departments workload. She agreed with the proposal around a longer-term approach but stated this would be difficult given the landscape at national level was susceptible to change in relatively short timeframes. She noted that chasing national funding was not considered the most strategic approach, but the council had to work with the systems in place and be agile in its operations.

Councillor Doyle welcomed the Chief Executives comments and the recognition given to the members concerns, adding it would be helpful if the executive could estimate/quantify the number of manhours used during the Naas library project example.

Resolved on the proposal of Councillor S Doyle, seconded by Councillor B Dooley and agreed by the members present, the report was noted.

13/0122

Capital Spending Scorecard

The following motion in the name of Councillor Joe Neville was considered by the members.

That the council put in place a capital spending per head of municipal district population scorecard to monitor the location of capital spending across the county on an ongoing basis. This will assist in an equitable and measurable distribution of capital funding across each municipal district that can be reviewed each year at

Budget time. In proposing this motion I am aware that this can also be judged on a multi annual basis as different major capital works will skew KPI's in individual years.

The motion was proposed by Councillor J Neville and seconded by Councillor T O'Dwyer

.
A report from Ms B Sweeney, A/Head of Finance stated that Capital Expenditure is generally incurred on the creation of an asset, significant in value, which has a life extending beyond the year in which it is provided and is financed by a combination of capital grants, development contributions and borrowings, supplemented by capital reserves. The overall level of Local Authorities capital expenditure is determined to a large degree by the amount the government allocates. Capital expenditure is incurred in a wide range of areas such as Housing, Roads, Surface Water, Public Realm, Recreation etc.

When determining whether a capital project should proceed an appraisal is done to examine the need/benefits of the project and to identify whether it is to be fully funded by government or is it to be partially/fully funded from the Local Authorities funding streams eg development contribution scheme/loans/revenue provisions etc

Many projects are dependent on funding from central government and as a result central government then determine where the projects are to be situated. Examples of these programmes include "Housing for All - a New Housing Plan for Ireland" and The Programme for Government which identifies national roads projects. The municipal districts that these fall into have limited involvement in determining the location of these projects.

As part of the 2021 works programme the Finance Committee had requested a more detailed analysis of the capital programme by municipal district. Unfortunately, this was not completed in time for the capital programme 2022–2024 that went to Council for the November 2021 Budget meeting. This analysis has now been completed and the new format for the Capital Programme report has now been agreed by the Finance Committee. This will be the format going forward, and the new Capital Programme 2022-2024 has been updated to reflect the changes.

Comparing the capital programme 2021-2023 to the programme 2022-2024 is not comparing like with like as capital projects will be at different stages. An example of

this is to look at the current Kerdiffstown Landfill Remediation project - for Capital Programme 2021-2023 estimated expenditure was €33m and for capital programme 2022-2024 it is down to €22m. The project is now in its final phase of main construction and therefore expenditure is reducing each year. To use this project as an example having this broken down by expenditure per head of population would lead to a skewed comparison between years.

Both the Community and Recreation Development Contributions are ring-fenced for use within the individual municipal district in which they are raised. It is expected that these will be the areas in which the municipal district will be able to maximise their input into the assignment of these contributions and agreeing which projects to be approved. If the capital project expenditure in the areas of Community/Public Realm/Recreation for 2022-2024 was examined under expenditure per head of population the following is what that would be:

MD Capital Expenditure for Comm/Public Realm/Recreation 2022 - 2024 €112m					
Municipal District	Estimated Expenditure	% Expenditure		CSO Population 2016	€ per head of population
AT Athy	€7,765,003	7%		32,180	€241
LC Celbridge/Leixlip	€23,480,794	21%		37,486	€626
MC Clane/Maynooth	€29,533,833	26%		50,842	€581
KN Kildare/Newbridge	€30,544,813	27%		52,718	€579
NA Naas	€20,584,962	18%		49,278	€418
	€111,909,405	100%		222,504	€503

The Finance Committee has agreed that the new format of the Capital Programme gives better insight to each municipal district what capital projects are in that district and what stage they are at. The committee also recommend that at each May Municipal District Meeting the Members should agree the priority capital projects with the relevant Director for Public Realm, Community & Recreation. These projects need to be committed too and the priority of these not be changed unless there is a material change in some element of the delivery of this project (eg funding source changes, land not acquired). Therefore, would recommend that capital programme stay in its new format without the further breakdown by head of municipal district population.

Councillor Neville noted the contents of the report and the debate that had just taken place on the previous joint motion. He confirmed that the issues he had raised in his motion had been raised at the Finance Committee and that anecdotally, it was evident that there had been a lack of funding in the Celbridge-Leixlip Municipal District. He noted that the Celbridge-Leixlip MD had the highest LPT and commercial rates intake, yet it still had no significant capital investment such as a swimming pool, new library or recycling facility. He stated it had been very helpful to see the numbers outlined in the report, but that when you analysed the 2016-2020 spend per capita on capital projects throughout the MDs, there was no equity and the per capita spend on capital projects in the Celbridge-Leixlip MD was nil. The Cathaoirleach concurred with the issues raised by Councillor Neville noting it was good to see the improvements that been made in the method of reporting in the Capital Budget.

The Chief Executive stated that funding of the local authority had been raised as an issued during the budgetary process and that the council would be looking at allocating the 2023 budget with a view to getting projects over the line. She stated she did not want it to be a case of pitting MDs against each other, and agreed that equity had to be factored in.

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

14/0122

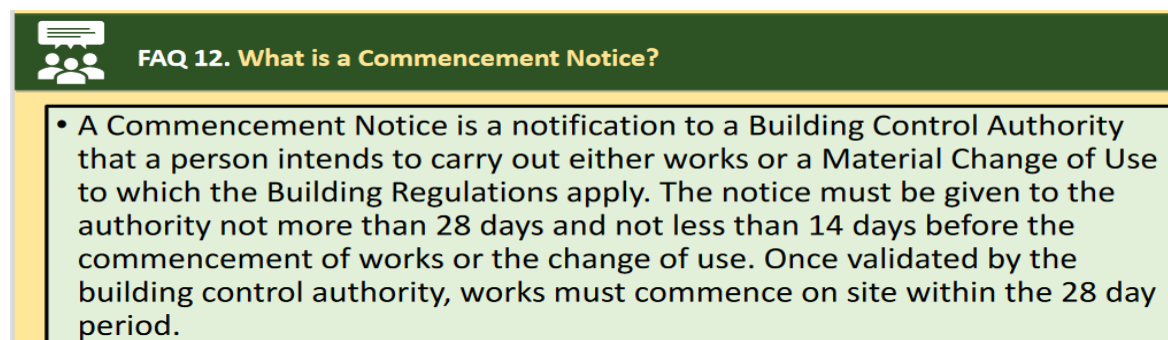
Review of Commencement Notice Policy

The following motion in the names of Councillors Suzanne Doyle, Naoise Ó Cearúil, Veralouise Behan, Bernard Caldwell and Anne Connolly was considered by the members.

That a review of policy where development commencement notices being required post site clearance and site works being carried to now require commencement notices in advance of any site works. This will facilitate oversight by Development Control at a critical point in development of site, requirement for levies contribution may remain with current custom & practice of payment being due when construction above site begins.

The motion was proposed by Councillor S Doyle and seconded by Councillor A Connolly.

A report from Ms C Barrett, Chief Fire Officer, Roads, Transportation and Public Safety Department stated that it is not a Kildare County Council policy whereby commencement notices are required for development site works commence. It is a legal requirement under the Building Control Acts 1990-2014 to give notice to a Building Control Authority prior to commencing works or a material change of use to which the Building Regulations apply. Reference is made to the National Building Control and Market Surveillance Office's Frequently Asked Questions No. 12:



FAQ 12. What is a Commencement Notice?

- A Commencement Notice is a notification to a Building Control Authority that a person intends to carry out either works or a Material Change of Use to which the Building Regulations apply. The notice must be given to the authority not more than 28 days and not less than 14 days before the commencement of works or the change of use. Once validated by the building control authority, works must commence on site within the 28 day period.

A commencement notice is not required under the legislation for works to which the Building Regulations do not apply, for example site clearance works or site preparation works.

Councillor Doyle noted the report and the limitations set by the legislation but stated given the level of growth of development in the county, the council needed to consider what it could do to address this issue. She noted that Meath County Council applied a levy on development which was effectively used to monitor the development and asked if this could be considered in the upcoming review of the Development Contribution Scheme. She also suggested trialling an offer of self-certification by an objective assessor and/or give developments a Q-mark to develop on their selling point to improve compliance in this area.

During the discussion that followed, the members made the following points:

- The issue appeared to be happening at the site clearance stage of development works
- Conditions attached to planning decisions made by An Bord Pleanála can be hard to understand or interpret.

- What experience had the council of works taking place prior to a commencement notice being submitted.

Ms Barrett confirmed that commencement notices related to “built” buildings and the issued being highlighted by the members related to development control. She confirmed once a commencement notice was received, this triggered the internal process within the Building Control Team and confirmed that if a commencement notice was not submitted, the developer cannot get a certificate of completion. She noted that resolving the issues being raised by the members would need either a condition of the planning permission or a similar method as that being used in Meath as referenced earlier by Councillor Doyle. Councillor Doyle noted Ms Barrett’s comments stating the council’s resources were under significant pressure due to the amount of development taking place. Ms Barrett confirmed that the council was currently prioritising new development inspections.

Resolved on the proposal of Councillor S Doyle, seconded by Councillor A Connolly and agreed by the members present, the report was noted.

15/0122

Reader Pens

The following motion in the names of Councillors Mark Leigh and Aoife Breslin was considered by the members.

That the Library Service purchase ‘Reader Pens’ and make them available to people using the library service across County Kildare.

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

A report from Ms G Allen, A/County Librarian stated that The Library Services are actively investigating options and costings for Readers Pens, and will partner with Health and Safety to provide Reader’s Pens to members of the public using Kildare Library & Arts Services.

Councillor Leigh stated he accepted the positive report with thanks.

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

16/0122

Remote Working Spaces

The following motion in the names of Councillors Nuala Killeen and Aidan Farrelly was considered by the members.

That following the release of Our Lives Online CSO Pulse survey [Link here](#) Kildare County Council commits to working with community groups (and other entities) to ensure that there are more remote working spaces available to residents of Kildare by utilising council assets; as an initiative like this would enable home workers to be working in less of an isolated position, could bring increased footfall to less used community spaces and would foster innovation in the County.

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

A report from Ms J McNabb, Head of Enterprise, LEO stated that Kildare County Council appointed a consultant, PMG Consult, in July 2021 to develop a hub strategy that carries out a critical piece of analysis for the county to ensure its future growth and to align its approach and hub development strategy with regional and national policy. A consultation phase was completed with over 25 internal and external stakeholders and a draft strategy was presented to the Economic Development, Enterprise & Planning SPC for consideration in September 2021. Following feedback from The SPC, a final version of the strategy was presented and approved at the December SPC meeting. The draft strategic plan will be presented to full Council end of Q1/2022 or early Q2/2022 for adoption.

This document will inform future hub development in the county.

Hosted by Kildare County Council, public and private co working and innovation space owners/managers have been meeting regularly and have formed the K-Hub network. The network leverage economies of scale in research, collaboration, training and funding applications and is supported by the economic development unit in Kildare County Council.

Councillor Killeen stated she looked forward to reviewing and discussing the strategic report in due course. Ms Higgins confirmed that libraries were included in that report.

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

17/0122

Open Local Programme

The following motion in the names of Councillors Vanessa Liston and Peter Hamilton was considered by the members.

That Kildare County Council applies to the international Open Government Partnership *Open Local* programme to develop an action plan with civil society on increasing opportunities for citizen participation, transparency and accountability in our Local Government.

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

A report from Ms M Higgins A/Director of Services, Economic Community & Culture Development stated that the International Open Government Partnership Open Local Programme offers opportunities and potential. The Community Section will work with our partners in the P.P.N to investigate an application for the benefit of our local communities and how this programme can work in conjunction with the PPN.

The PPN is the main link through which the local authority connects with the community, voluntary and environmental sectors without prejudice to other consultation processes. The aim of the structures and processes is to facilitate and enable the public and the organisations to articulate a diverse range of views and interests within the local government system, not to reduce or homogenise this diversity. A parallel and equally important aim is to facilitate the local authority in making better and timelier decisions.

Members of the local community interact with local government at different levels. The PPN facilitates input by the public into local government through a structure that ensures public participation and representation on decision-making committees

within local government. The Network performs its functions following core principles to facilitate active participation with decision-making bodies those being participation, trust, accountability, transparency and independence. The Open Local program has the potential to further enhance this role.

Councillor Liston noted the contents of the report and stated the Open Local Programme promoted the 'working together' principle with the development of action plans noting that Ireland was now developing its third action plan with the previous two plans resulting in very successful outcomes around whistleblowing and lobbying. She confirmed the Open Government principle would link the council in with cities across Europe and noted the closing date for application was the 16 March.

Councillor Hamilton stated the PPN had achieved a lot but that this initiative would strengthen its input into the work being done on increasing opportunities for citizen participation, transparency and accountability in Local Government.

Following discussion, the members raised the following points:

- In addition to a top-down approach, a bottom up approach was needed to encourage transparency and accountability in local government
- The PPN process was arduous and very difficult to negotiate
- Consideration be given to further empowering local representatives

The Chief Executive stated the Open Local programme was much broader than the PPN and the council needed to check the eligibility criteria further. She noted assistance would be needed on the application process as if it was eligible to apply, Kildare would be the first local authority to sign up to the initiative and sought the members agreement to the council examining the eligibility criteria further. The members agreed.

Resolved on the proposal of Councillor Liston, seconded by Councillor Hamilton and agreed by the members present, the report was noted and the council would examine the eligibility criteria further.

18/0122

Number of Planning Enforcement Staff

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

That the council provide a report on the number of Planning Enforcement staff working in the Planning Department in comparison to five years ago, to include the number of active case files both then and now.

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

A report from Mr Eoghan Ryan, Director of Services, Planning and Strategic Development stated that staffing levels within Planning Enforcement have largely remained consistent over the past several years. The assignment of staff is a matter for the executive.

The Council had 581 active cases at the end of December 2017.

There are currently 980 active cases as at the end of December 2021.

Councillor P O'Dwyer stated she had asked for this information previously at municipal district level but it was not available in that format. She noted that the staffing levels had remained static over the last 5 years, but the number of cases had doubled. She stated it was very frustrating for the members who followed all the required processes in reporting potential breaches, yet so few cases were being followed up. A discussion ensued with the members agreeing that the lack of resources in this team was an important factor in the delay in processing cases. Councillor Stafford sought clarification on the number of cases during that 5 year period where a Warning letter and/or an Enforcement notice was served.

Mr Ryan confirmed the overall issue was on the Planning departments work programme this year, noting that the pandemic had caused significant delays as site inspections could not take place and the lockdown also encouraged illegal activity such as businesses being operated in back yards without the required planning permits. He drew the members attention to the fact that the onus was always on the local authority to prove its case during each step of the process, and in some instances the opportunity for the owners to seek retention permission had also to be

allowed. Mr Ryan did confirm that he had been asked to sit on a CCMA Planning working group with one of its functions being to review the staff resources within the local authority planning service.

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

19/0122

Local Business Forums

The following motion in the name of Councillor Evie Sammon was considered by the members.

That the council organises Local Business Forums in each Municipal District to give businesses an update on the council's supports and details on how to access these supports and outlines the council and LEO's plans for Economic Development, Enterprise and Tourism for 2022.

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

A report from Ms J McNabb, Head of Enterprise, LEO stated that prior to the onset of the COVID19 pandemic events, showcasing the supports of our Enterprise and Economic Development Unit and how to access them, were a regular feature in our calendar, with a physical presence across every MD.

As were our Business Advice Clinics where clients could meet to discuss these supports 1 to1 with a business advisor. It is very much our ambition to reinstate these in-person events and services in 2022, when it is safe for our clients and staff to do so.

In 2020 and 2021 our events, business advice clinics, training and supports briefings moved online and this is how we are continuing to operate.

As an example, in 2021 we hosted a weekly morning meeting where the Head of Enterprise discussed specific supports, business themes and invited guest speakers. This January we will have hosted specific briefings discussing LEO grant support, Green for Micro and our Lean supports. Participation in any of these/future events can be booked on our website [here](#).

We have also added a “Speak to an Advisor” function on our website to ensure clients can access direct support as easily/quickly as possible.

Equally, our weekly newsletter is an excellent resource for all upcoming opportunities for clients with direct links on how to access each opportunity/support -

<https://www.localenterprise.ie/Kildare/Contact/>

Our Local Enterprise Development Plan is published online [here](#) and our Kildare 2025 Economic Strategy [here](#).

Both can also be directly accessed from our website and our team are always available to discuss any questions clients may have.

Councillor Sammon stated she would like to see LEO creating a forum where businesses could link in regarding tourism and other related matters, noting Fingal and South Dublin County Councils utilised this model to very good effect.

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

20/0122

Tree Planting on Suitable Land Banks

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

That Kildare County Council assess its current land bank and plants native trees on any idle land that is deemed suitable for such use, to improve biodiversity and air purity and to provide a future revenue stream.

The motion was proposed by Councillor N Connolly and seconded by Councillor S. Moore.

A report from Mr J Boland, Director of Services, Water Services, Environment and Climate Action stated that the Council’s Climate Action Team has been working with all directorates to identify suitable land banks for engagement with the *Woodlands Creation on Public Lands Scheme* that is being administered by the Department of Agriculture, Food and Marine. Five sites have been identified, one in each MD, which are being assessed by Teagasc to see if they are suitable to go forward for application to the Woodlands Creation on Public Land Scheme. There are many

sites where planting may not be possible for a number of reasons including potential other land use, which has to be taken into account also.

It is also worth noting that the Council has adopted 12 local biodiversity plans for towns and villages across the county and the active implementation of these plans has commenced.

The matter has also been considered by the Environment and Water Services SPC and remains on its work programme.

A report from Ms Evelyn Wright, Director of Services, Roads Transportation and Public Safety stated that there are no substantial land banks available within the remit of motorway/roads construction project boundaries that would be suitable for large scale tree planting. Given that lands obtained through the CPO process require the Council to show a need for the land, there is no large land banks left unused.

Councillor N Connolly stated that at 11%, Ireland had the 3rd lowest rate of tree coverage in Europe and local authorities had an important role in leading the way through replanting and rewilding of suitable lands throughout the county. Ms Wright noted that some lands adjacent to motorways were in the ownership of TII and lands owned by the council in other counties, would not be available for this purpose. Following an enquiry from Councillor Moore, she undertook to clarify the ownership of land at the J8 interchange. Mr Boland stated he was happy to engage with Councillor N Connolly or any other members outside the meeting adding that the council fully supported all measures proposed to improve biodiversity.

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

21/0122

Public Lighting Programme

The following motion in the name of Councillor Angela Feeney was considered by the members.

That the council provide a report to members on the current status of its Public Lighting programme regarding maintenance, planned upgrades and installations including the National Public Lighting Energy Efficiency Programme.

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

A report from Ms Evelyn Wright, Director of Service, Roads Transportation and Public Safety stated that Kildare County Council are currently maintaining approx. 28,000 lights throughout the county and has an operating budget of €2.9M. This budget is predominately used for discharge of maintenance costs and energy costs with any remaining budget being used to progress new installations throughout the county. With the ongoing taking in charge of housing estates throughout the county, the number of lights and energy costs continuing to grow. This has led to a reduction in the number of new projects which can be progressed.

Main Objectives

That the provision of street lighting should support the following four main objectives.

- Provide a safe night environment for vehicles and pedestrians using the public highway and public areas.
- Effectively manage and maintain an efficient street lighting asset.
- Optimise energy conservation and reduce carbon emissions.
- Minimise the impact of street lighting on the environment.

Maintenance

Maintenance and repair of all lighting in Kildare County Council control is the responsibility of Enerveo Ireland Ltd (formerly SSE Airtricity) following a public tendering process in 2018. Kildare County Council require that lights are repaired within **28 days**, however some obstacles can prevent the repairs from occurring within this time for example:

- ESB attendance at site
- Underground cable damage
- Column replacement
- Access issues

Public Lighting faults are identified either through night patrols carried out by the maintenance contractor or faults reported by members of the public. Faults can be logged through an online reporting facility or call centre, both facilities provided by the Council's maintenance contractor. Faults can also be logged through the

Transportation Department of Kildare County Council. Current fault rate throughout the county is just over 2% of the 28,000 lights currently being maintained.

Upgrades

Where LPT funds or National funding is provided, upgrade projects can be carried out. 2021 saw the completion of a partial upgrade on N78 from Junction 3, Athy to County boundary with Laois, excluding Athy Town Centre. These works were funded by Transport Infrastructure Ireland (TII) under its National Route Lighting Energy Efficiency Program. Expenditure of €91,500 achieved a reduction of 42T of Co2 along the route. Kildare County Council continues to upgrade lighting as part of its maintenance program.

Public Lighting Energy Efficiency Project (PLEEP)

Kildare County Council is a participant in the Public Lighting Energy Efficiency Project (PLEEP) for the Eastern Region where the objective is to reduce energy consumption by adopting LED technology. The project objective is to maximise energy savings, which is achieved on a cost effective and consistent basis, thereby contributing to our statutory energy efficiency target while facilitating and enabling the long-term proactive management of the public lighting asset. It is estimated that upon completion of the project, Kildare will reduce its Co2 emissions by 1,900 tonnes per annum at 50% efficiency to 2,300 tonnes per annum at 60% efficiency. Further Co2 saving will be realised when dimming and trimming profiles are applied. The PLEEP Eastern Region Works Contract was tendered in Quarter 3, 2021 with a closing date for receipt of tenders the 27 October 2021. The project is currently at Tender assessment phase with the Tender Assessment board reviewing the Works Contract Tender. It is anticipated that a contractor for with region will be appointed in Quarter 1, 2022. Currently it is not known where Kildare will sit in the installation program as this will be a matter for the successful contractor to arrange their work schedule.

New Installations:

Requests for new lighting installation are assessed using a priority scheme within Kildare Lighting Infrastructure Priority Scheme (KLIPS). A scoring matrix will determine where that request will sit within the KLIPS register. With the support of the Members and the provision of LPT funds, a number of projects have successfully progressed through the KLIPS register. Allocation of LPT funding does not however,

circumvent the KLIPS assessment which will determine whether public lighting is warranted. Where a warrant is confirmed, the request will progress through the stages of the register. In the past, public lighting in rural areas in County Kildare was delivered on an adhoc basis and maintained by ESB contracts. KLIPS allows for these requests to be scored using various factors and placed within KLIPS according to that score.

Councillor Feeney acknowledged the detailed report and asked if the council could ask for a quicker turnaround than the 28 days referenced. She also enquired if there was a timeline on where Kildare would sit in PLEEP and was there any information in relation to solar lighting. Ms Wright responded that the turnaround time was a contractual obligation. She noted that PLEEP had been tendered and the award of the contract was due in Quarter 1 and she estimated that Kildare might feature within 5-6 months. She concluded by stating there were no trials currently in relation to solar lighting in Kildare as LED lighting was considered as the way of providing the cultural change to support the climate action agenda in the sector.

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

22/0122

Cost Rental Housing Units

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

That the council outline the number of cost rental housing units (Vienna model) as mandated by the Department of Housing, Local Government and Heritage, that have been provided to date and what is the projected provision of same over the coming 5 years.

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

A report from Ms A Aspell, Director of Services, Housing and Corporate Services stated that the Affordable Housing Act, enacted on 21 July 2021, provides for three new affordable housing schemes:

- Local authorities delivering affordable homes for purchase on own lands.
- Affordable Purchase Shared Equity Scheme, which will allow households purchase a home in the private market, where they have been unable to secure the full mortgage to do so, with the State providing equity support.
- Introduction of Cost Rental tenure.

Regulations, setting out the detail of the affordable housing schemes, are awaited. In the meantime, in Budget 2021, the Government funded a new Cost Rental Equity Loan (CREL) to help approved housing bodies [AHBs] deliver cost rental homes. This scheme is administered by the Housing Agency. In terms of delivery of cost rental units in County Kildare; under this scheme Cluid Housing Association recently delivered 40 units in Barnhall, Leixlip and will deliver a further 16 units in Quarter 1, 2022 at the same location. Properties were advertised on Daft and Cluid's website, with 1,193 applications received. Rents are set at €900 for a two-bed unit and €1,250 for a three-bed unit, which is a 45% reduction on market rates. Tuath Housing Association recently received approval for the delivery of 90 cost rental units in the county; further details will be available once contracts have been exchanged.

In December 2021, the Housing Department submitted the Housing Delivery Action Plan 2022-2026 to the Department of Housing, Local Government and Heritage; this plan outlines a delivery target of 900 affordable properties in Kildare during the lifetime of the plan, this figure includes cost rental delivery by AHBs and the Land Development Agency and affordable delivery by the council.

Following an enquiry from Councillor Kenny, Ms Aspell confirmed the council had included 900 affordable units in its draft submission to the Department and a response was awaited on that. She did draw the members attention to the fact that currently, the council did not have the staff to deliver affordable units.

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

23/0122

Reconvened Monuments Committee

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

That the council confirms a date for the first meeting of the reconvened Monuments Committee at the January 2022 plenary meeting of council.

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

A report from Mr E Ryan, Director of Services, Planning and Strategic Development stated that the council's technical staff are currently compiling the Historic Monuments Advisory Committee (HMAC) Works Programme for 2022 based on current available funding and proposed grant applications for presentation to the HMAC. It is planned to hold the first meeting of the HMAC in Quarter 1 2022 at a date and time to be agreed with the committee members.

Councillor Moore stated he was pleased with the report and emphasised the importance of supporting and protecting the county's heritage.

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

24/0122

Rural One-Off Residential Planning Permissions

The following motion in the name of Councillor Tim Durkan was considered by the members.

That the Planning Department provide a report outlining the number of rural one off residential planning permissions under the headings below for 2019, 2020 and 2021.

Granted Permissions (not including extensions of time), Refused Permissions, Further Information Requests, Invalid Applications, Withdrawn Applications, Extensions of Time, Appealed Decisions (including the outcome of the appeal) and Unauthorised Development (including the outcome).

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

A report from Mr E Ryan, Director of Services, Planning and Strategic Development stated that the following tables outline statistics requested in respect of one-off rural housing applications from 2019-21:

	1. Granted	2. Refused	3. Further Information Requested
2019	106	140	147
2020	162	121	116
2021	127	147	114

	4. Invalid	5. Withdrawn	6. Extension of Time Granted	7. Extension of Time Refused
2019	34	17	8	0
2020	97	4	9	0
2021	55	15	13	0

8. Planning appeals	No. of appeals on One-off houses	ABP KCC Decision confirmed	ABP KCC Decision Reversed
2019	8	8	0
2020	5	4	1
2021*	7	0	1

* 6 appeals outstanding

9.Unauthorised Development

One-off Rural House non-compliance Enforcement Cases.	Current Status.
Total - 5 Cases.	3 x Ongoing Planning Enforcement cases. 2 x regularised & cases closed.

Unauthorised development cases (No PP).	Current Status.
Total - 26 Cases.	18 x Ongoing Planning Enforcement cases. 1 x Statute barred & case closed. 7 x Regularised & cases closed.

Councillor Durkan enquired if the 26 cases referenced referred to individual cases or could it include multiple cases on one site, and if information related to UD cases could be made available on the council's planning register again. Mr Ryan confirmed the 26 cases were individual cases and he would talk further with Councillor Durkan outside the meeting on the planning register.

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

25/0122

Vacant and Derelict Properties

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

That the council prepares an inventory of all the Vacant and Derelict properties in the county to identify opportunities for adaptive re-use as residential, commercial or community and to engage with property owners highlighting grants available to them with a view to developing suitable new uses for the properties.

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

A report from Ms A Aspell, Director of Services Housing and Corporate Services stated that the Vacant Homes Officer (VHO) (Housing) carries out inspections/ assessments of vacant residential properties with a view to identifying possible vacant recoverable homes and the related registered owners and is available to provide advice and assistance in order to help bring vacant homes back into use. Once an owner is contacted, they are made aware of the options available to assist in bringing their properties back into use, either privately, or for social housing purposes through the Repair & Lease and Buy & Renew Schemes. A compulsory purchase can also be considered by the local authority.

Since the appointment of the VHO in 2018, in excess of four hundred (400) inspections have been carried out in relation to individual properties in the county; of these one hundred and thirty-five (135) were recorded as potentially vacant and further searches were carried out to establish ownership and contact owners where possible. GeoDirectory's Quarter 4 – 2021 Report recorded a national average vacancy rate of 4.5%. Kildare's vacancy rate is recorded at 2%. A base vacancy rate of 6% is normally expected within a properly functioning housing market to allow for renovations, changing ownership or tenants, etc.

Pathway 4 of Housing for All: A New Housing Plan for Ireland, relates to addressing vacancy and efficient use of existing stock. The Plan contains a number of objectives to encourage the use of vacant properties and, in this regard, an enhanced programme of work for Vacant Homes Officers is being developed.

A report from Mr J Boland Director of Services, Water Services, Environment and Climate Action stated that the council investigates reports of dereliction and takes enforcement action in accordance with the Derelict Sites Act 1990 in an effort to have the dereliction abated.

A derelict site is defined in the Act as any land which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of -

- (a) The existence of structures which are in a ruinous, derelict or dangerous condition
- (b) The neglected, unsightly or objectionable condition of the land or any structures

on the land

(c) The presence of litter, rubbish, debris or waste on the land.

If it is considered that issues can be easily remedied within a relatively short timeframe, the Council may work informally with a property owner instead of serving a legal notice and provide the owner(s) with a list of works and the opportunity to carry out such works. Many cases are resolved in this way and this approach is always the initial focus.

In other instances, the Council may serve a legal notice requiring works to be carried out and may also progress matters through the Courts.

It is also open to the local authority to compulsorily acquire under the 1990 Act, though this is rare as it can expose the Council to financial risk.

Challenges relating to resolution are often related to issues which ultimately resulted in the site becoming derelict in the first place — financial hardship, difficulties in financing development, legal or title disputes over ownership, estate issues following inheritance, receivership, property being abandoned, etc.

Therefore, there can often be delays in progressing files due to difficulties in ascertaining the names of owners and accordingly, there is often recourse to land registry which can be time consuming. Indeed, disputes arising from title / probate tend to be the cause of many issues.

Another contributor is the fall-out from the “Celtic Tiger” period where many commercial ventures went wrong. The issue of “derelict” may sometimes be subservient to more fundamental issues such as building control, breaches of planning / licensing which should be progressed using remedies other than derelict sites legislation.

Ultimately if cases are not resolved, following further notice, the site can be listed in the derelict sites register. As a general principle, a low number so registered is a positive sign (though often perceived otherwise) that cases are being resolved and that the council is being proactive.

In the past year the number of derelict sites under review has reduced from 140 to 39 cases which are currently being investigated.

Aside from the derelict sites register, specifics in relation to ongoing cases are not publicly available.

In addition, to release such details would not be in the public interest as it may impinge on the willingness of the public to report such matters.

Councillor Clear noted the contents of the report and sought clarification on what was available to owner occupiers under Housing for All. He noted that a lot of the vacant properties would be in urban areas and felt that the Vacant Homes Officer role should be a full-time role. He noted that the report stated the council did not have many such sites and asked if consideration could be given to registering the derelict sites on the Register similar to other local authorities, and whether this overall matter could be referred to the relevant SPC for further discussion. Ms Aspell confirmed the details of the Buy and Renew Scheme and the Repair and Leasing Scheme would be sent out after the meeting, and that further details would be issuing on an enhanced programme of work for the Vacant Homes Officer.

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

26/0122

Records Retention Policy

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

That the council provides a copy of its Records Retention Policy and lists the governing documents - including but not limited to legislation/guidelines/circulars - that inform its policy, clarifying how it monitors it and whether we are currently compliant with same.

The motion was proposed by Councillor McLoughlin Healy and seconded by Councillor Moore.

A report from Ms A Aspell, Director of Services, Housing and Corporate Services stated that the National Retention Policy for Local Authority Records was first published by the LGMA in 2002 and was made available to all Local Authorities for their use and implementation. A revision of these schedules is being undertaken by the LGMA on a department-by-department basis. The extant 2002 records retention document is still valid for those retention schedules that have yet to be revised and

issued. The 2002 document and the revised schedules are available in the Council's privacy statement, which is available [here](#).

Some of the legislation that has informed the Records Retention Policy are:

Local Government Act, 2001 - Section 80

Local Government Act, 1994 - Section 65

Data Protection Act, 2018

Freedom of Information Act, 2014

Access to Information on the Environmental Regulations (S.I. No. 125, 1998)
and Directive 2003/4/EC on public access to environmental information

Planning and Development Act, 2000 - Section 38 (5)

Prompt Payment of Accounts Act, 1997

E-Commerce Act, 1999

Each council department is responsible for the management and implementation of the retention periods and records management in their area.

Councillor McLoughlin Healy stated the members had a right to know how documents were being managed and saved as they were not always easily retrieved when requested, adding there was a financial cost to members having to go down the FOI route to seek information. She noted the question on whether the council was compliant with the policy had not been answered and asked if this was something the Audit Committee could examine. Ms Aspell stated it was a matter for each Department Head to ensure compliance with the policy.

The Chief Executive noted that costs are only associated with FOI requests that are voluminous in nature and which require considerable resources to process, adding it was always open to the applicant to reduce their request so as not to incur fees.

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

27/0122

Review of Social Housing Assessment Regulations

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

That the council write to the Minister for Housing, Local Government and Heritage seeking an update on when the net income limits as set out in the Social Housing Assessment Regulations will be reviewed and increased.

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

A report from Ms A Aspell, Director of Services, Housing and Corporate Services stated that the Department of Housing, Local Government and Heritage has provided the following information regarding a review of social housing income limits: Housing for All – A New Housing Plan for Ireland was published in September 2021 and, as part of a broad suite of social housing reforms, committed to reviewing income eligibility for social housing. The review, which examined inter alia the efficiency of the current banding model and income limits applicable to local authorities, was completed in Q4, 2021. The Minister expects to make a decision on proposed changes and recommendations imminently. The Members will be updated when any further information becomes available.

Councillor Pender acknowledged the work the council was doing in trying to advance this matter noting the overall issue was outside the council's control. Ms Aspell confirmed the council had made numerous representations on this item and were hopeful something might come of them.

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

The meeting concluded