

KILDARE COUNTY COUNCIL

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

Monday 25 September on Microsoft Teams.

Members Present: Councillor T O'Dwyer (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, T Durkan, A Farrelly, A Feeney, C. Galvin, P Hamilton, N Heavey, I. Keatley, N Killeen, M Leigh, V. Liston, P McEvoy, F McLoughlin Healy, S Moore, J Neville, N Ó Cearúil, P O'Dwyer, C. Pender, R. Power, B Quinn, E. Sammon, P Ward, B Weld and B Wyse.

Apologies: Councillors D Fitzpatrick (Cathaoirleach), K Duffy and C. Kelly.

Also Present: Ms S Kavanagh Chief Executive, Ms. A Aspell, Ms. M Higgins, Mr A Dunney. Mr. E. Ryan (Directors of Service) Ms. C Barrett, (A/Director of Service) Ms. F Millane (A/Head of Finance), Ms. C O'Grady (Meetings Administrator), Mr. J Hannigan (Meetings Secretary) and other officials.

Councillor T O'Dwyer , Leas Cathaoirleach informed the meeting that Councillor D Fitzpatrick, Cathaoirleach, was unable to attend due to a family bereavement and that she would be chairing the meeting.

She welcomed everyone to the September meeting of Council online and sought the members continued co-operation in adhering to protocols on speaking times to continue the efficient use of the time available. She reminded members to use the hands up symbol to indicate if they wished to speak and that she would call on members in turn to do so. As the meeting was fully on line, due to the fact that the work on the council chamber was not yet complete and sound quality issues can occur, she advised that the Meetings Administrator would mute all participants if there were issues with background sound.

01/0923

Bereavements

The Meetings Administrator read the list of bereavements and the sympathy of the members and staff was extended to the family of the late

Councillor Damien O'Reilly, Meath County Council

Louis Duffy, father of Councillor Kevin Duffy

Michael Roche, uncle of Councillor Daragh Fitzpatrick, Cathaoirleach

Patrick Brennan, father of Oliver Brennan, Transport

Thomas Moore, former staff member

John Allen, father of Gillian Allen, Library and Arts Service

A minute's silence was observed.

02/0923

Declaration of Interests

The Chair sought from the members any declarations of conflicts of interest or pecuniary or beneficial interests under Section 177 of the Local Government Act 2001 as amended. There were no declarations.

03/0923

Minutes and Progress Report

The council considered the draft minutes of the monthly meeting held on 31 July 2023 and the progress report.

Resolved on the proposal of Councillor Caldwell seconded by Councillor Feeney and agreed by the majority of members present, with twenty members voting in favour, none against and with one abstention, that the draft minutes of the monthly meeting held on 31 July 2023 be adopted.

The progress report was noted.

04/0923

Chief Executive's Monthly Management Report

The members noted the Chief Executives monthly management report.

05/0923

2024 Annual Budget meeting

The members considered a date for the statutory annual budget meeting. Ms Millane asked that it take place in the Council Chamber, Áras Chill Dara, on Monday 20 November at 3.00pm and that there be a briefing on Monday 13 November at 3.00pm.

Councillor Doyle enquired about a specific meeting to discuss the Capital Budget noting that Councillor A Connolly had a motion agreed earlier in the year that there would be a specific meeting of the council to discuss the capital budget. Councillor A Connolly asked if the meeting on the 13 November was to discuss the Capital budget. Members said they had not been given the opportunity to discuss or influence the Capital budget.

Ms Millane informed the meeting that the members had been briefed at monthly Municipal meetings in May and June in relation to the Capital Budget.

She had also spoken at CPG on the budget.

Councillor Doyle advised that the plenary meeting requested had not taken place.

The matter should be referred to CPG. Ms Kavanagh informed the meeting that briefings had taken place with each Municipal District. Many of the capital programmes required match funding and took place over a number of years.

Development contributions had been collected and assigned to the capital programmes. There would not be a significant capital budget.

The role of the members was to note the capital budget.

Resolved on the proposal of Councillor McEvoy seconded by Councillor Brett with the agreement of the members present that the statutory annual budget meeting would take place on 20 November 2023 and a briefing will be held on the 13th November 2023.

06/0923

Bank overdraft facilities

A report had been circulated by Ms Millane informing the members that as in previous years, Kildare County Council's Finance Department are looking for Council approval to seek sanction from the Department of Housing, Local Government & Heritage to continue to maintain an overdraft facility of €4,500,000 (€4.5million) for the year 2024 to assist in funding the working capital requirements of the council should it be needed. As shown in the Chief Executive's monthly report, there has been minimal requirement to use this facility in 2023, however it is strongly recommended that it be maintained to allow for cash flow purposes.

Ms Millane in response to a query from Councillor McLoughlin Healy explained that there was no cost for the facility and it might be required where the council might have large outgoings on a particular day. It was to ensure that no payment would be returned as unpaid.

Resolved on the proposal of Councillor Doyle seconded by Councillor Neville and agreed by the members, that the seeking of sanction for Bank Overdraft facilities of €4.5m for the year ending 31st December 2024 be approved.

07/0923

Reports from Members appointed to Other Bodies

The members considered reports from members appointed to Other Bodies, pursuant to Section 141 of the Local Government Act 2001 as amended.

The following reports were received at the September meeting:

- Drehid Community Liaison Committee
- AILG
- Kildare Meath Grid Upgrade Community Forum
- East Midland Regional Assembly

The Chair informed the members that if they had any queries they could direct them to the members who prepared the report.

The reports were noted.

08/0923

Gnó an Cathaoirleach/Cathaoirleachs Business

Councillor T. O'Dwyer confirmed that she had no business to put before the meeting and that Councillor Fitzpatrick, Cathaoirleach would update members at the next meeting.

09/0923

Comhfhreagras/Correspondence

The Meetings Administrator confirmed seven items of correspondence had been circulated to the members along with the progress report. These included five resolutions from other local authorities and two circulars as follows,
Circular LG 04/2023 re Maternity/Family Supports for Elected Members
Circular LG 05/2023 re Security Allowance for Local Authority Elected Members

The correspondence was noted.

10/0923

Conferences and training

The Meetings Administrator referred to the conference and training report which had been circulated to the members and recommended by the Corporate Policy Group. The following training events organised by AILG,
Age Friendly Ireland- Housing and Public Realm Training, Webinar, Friday 13 October 2023. No cost.
Councillor Security Awareness, Webinar, Friday 27 October 2023. No cost
Progress Report on Housing for All, Webinar Friday 24 November 2023. No cost.
An in person training event, Government Legislation Policy Programme 2023, A briefing for Elected members, taking place in the Clayton Hotel, Galway, Saturday 18 November 2023, at a cost of €80 plus travel and subsistence.
There were no conferences.

Resolved on the proposal of Councillor Brett seconded by Councillor Doyle and agreed by all, that the above events as set out in the training and conference report be approved.

11/0923

**Transportation, Safety and Emergency Services Strategic Policy
Committee Report**

The members received a report from the Chair of the Transportation, Safety and Emergency Services Strategic Policy Committee Councillor Paul Ward.

He outlined how the Directorates were restructured in January 2023

Transportation, Mobility & Open Space managed by Celina Barrett A/Director of Services

Planning, Enterprise, Economic Development & Emergency Services managed by Alan Dunney, Director of Services

The membership of the SPC is

Elected members:

Paul Ward, Chair of SPC (Clane/Maynooth MD)

Joe Neville (Celbridge/Leixlip MD)

Anne Connolly (Kildare/Newbridge MD)

Angela Feeney (Clane/Maynooth MD)

Colm Kenny - replaced by Bob Quinn (Naas MD)

Nuala Killeen (Celbridge/Leixlip MD)

Mark Stafford -to be replaced (Kildare/Newbridge MD)

Sectoral Interest:

Cormac Browne (Agriculture/Farming)

Brian Purcell (Business/Commercial)

Gerry Dornan – to be replaced (Development/Construction)

Vacant (PPN – Community/Voluntary)

Designated Official:

Celina Barrett A/Director of Services

Since the last update the committee met on 3 November 2022, 2 February 2023, 10 May 2023 and 7 September 2023. The next meeting was scheduled for 2 November 2023

The Committee had referred the following policies to Full Council.

County Parking Policy Framework approved by Full Council December 2022

Taking in Charge of Housing Developments Approved by Full Council – May 2023.

The current work programme consists of
Considering an Electronic Vehicle Charging Policy
Considering an Escort to Education Policy
Developing a Park and Stride Policy
Looking at quiet roads signage
Developing a policy on Permeability in Housing Estates

They had a site visit to the Athy Distributor Road

The Committee had received presentations as follows,

- Access & Disability, Michael Hurley, Access Officer.
- Kildare Fire Service, Niall O’Riordan ,A/Chief Fire Officer.
- Local Link - Connecting Ireland, Alan Kerry, Manager Local Link Kildare-S.Dublin.
- Athy Distributor Road, Darragh Conlon, SEE.
- Climate Action & Transportation, Stephen Deegan, SE.

They had set up a Sustainable Transport Forum Sub-Committee

The Membership comprised of

Elected members:

- Paul Ward Chair (Clane-Maynooth)
- Mark Leigh (Athy)
- Seamie Moore (Naas)
- Peter Hamilton (Clane-Maynooth)
- Ciara Galvin (Celbridge-Lexlip)
- Chris Pender (Kildare-Newbridge)

Other Representatives:

- Alan Kerry (Local Link)
- Paula O’Rourke (Climate Action Officer)
- Gerry Dornan (Cycling – PPN nominee)
- Michael Rafter (Maynooth University)
- Majella O’Keefe (CKAN)
- Claire Morrissey (Healthy Ireland)
- Maria Healy (Slainte Care)
- Donal Hodgins (Active Travel)

The inaugural meeting was held on the 15 June 2023 and the next meeting is scheduled for the 18 October 2023.

The report was noted.

12/0923

Protocol and Procedure Committee Recommendation on amendment to Standing Order 10 of the Council's Standing Orders adopted March 2021.

A report had been issued to the members in advance of the meeting setting out the amendment.

The Chair of the Protocol and Procedure Committee Councillor McEvoy informed the members that the Protocol and Procedures had recommended an amendment to Standing Order 10: Order of Business, to add the following:

In the case of a meeting convened for a special prescribed purpose, the business specified in the notification for such meeting and no other business shall be transacted.

To facilitate the orderly preparation of a special meeting convened to consider draft policies related to technical matters, including but not limited to development plans, local area plans and associated variations, each group of members shall coordinate their notices of a motion in a submission. Notices of motion will be assessed with regard to legislation, regulations, mandatory requirements, national and regional policies, government guidelines and all other relevant publications. Where a decision on an item may affect a related policy, the more significant decisions may be considered towards the end of the meeting.

Each agenda item may be listed with a colour code to reflect the recommendation by the Chief Executive:

- Green: to give effect to the un-amended motion.
- Orange: to partially give effect to the motion or to discuss the motion.
- Red: not to give effect to the motion.

Councillor Doyle suggested that this be deferred to the incoming new council 2024.

Councillor McEvoy explained that this recommendation was just defining in standing orders what was custom and practice. It would at least act as a guide to the incoming council.

It was proposed by Councillor Feeney seconded by Councillor Hamilton to put the recommendation to a vote. 24 members voted in favour, 4 voted against and 2 abstained. As the requirement for an amendment to standing orders is that two thirds of the members of the council (disregarding the fraction) must vote in favour the recommendation was not passed.

Resolved With 24 voting in favour, 4 voting against, and 2 abstaining. the recommendation for an amendment to Standing Order 10: Order of Business, was rejected.

14/0923

Bridging finance provision

The following motion in the name of Councillors Suzanne Doyle, Carmel Kelly, Noel Heavey, Michael Coleman, Brian Dooley and Anne Connolly was considered by the members.

That the council create a bridging finance provision with appropriate policy, to support community and voluntary groups with grant applications for recreation and amenity facilities, that require retrospective draw downs on capital investment supports. This facility has the capacity to leverage significant amounts of capital investment to advance much needed community supports and enable our capital programme to significantly expand on the many projects in the delivery pipeline.

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

A report from Ms F Millane, A/Head of Finance, Digital Services, Innovation and Governance stated that this matter will be dealt with as part of the Capital Programme 2024-2026 discussions.

Councillor Doyle thanked Ms Millane and informed the meeting that this was a problem not of our making. Communities were applying and being approved for grants but did not have the resources to fund the works pending the receipt of the grant. They needed to be able to avail of bridging type finance to undertake these projects. It wasn't additional funding it was moving money around. Councillor Hamilton supported the motion.

Ms Millane supported the motion and informed the members that it is a question of how much could be done in any given year and to make sure it was legal to do so. She asked the members to bring this to the attention of their T D's and Minister. Councillor Doyle suggested that a letter go from the members to the relevant Government Departments. This was seconded by Councillor P. O'Dwyer.

Resolved on the proposal of Councillor Doyle seconded by Councillor P. O'Dwyer that a letter issue to the relevant Government departments. The report was noted.

15/0923

Resuming pre covid operational hours for the housing desk

The following motion in the name of Councillors Suzanne Doyle, Brian Dooley, Bernard Caldwell, Michael Coleman, Daragh Fitzpatrick, Anne Connolly, Noel Heavey, Robert Power and Carmel Kelly was considered by the members.

That the council resume pre covid operational hours for the housing desk on level 3, Áras Chill Dara.

The motion was proposed by Councillor Doyle and seconded by Councillor Behan

A report from Ms A Aspell, Director of Service, Housing and Regeneration stated that the Housing Department facilitates appointments for members of the public, housing applicants and tenants throughout the week. Appointments can be made by telephoning or emailing the relevant section, details of which are contained on the council's website: www.kildarecoco.ie/allservices/housing

In the period from the 01/01/2023-25/08/2023, a total of 762 appointments were facilitated.

The appointment system is beneficial from the point of view that it allows staff to complete preparatory work in advance of the appointment taking place. It also ensures that the appropriate staff are available to attend appointments.

Given the demands for additional desk space for staff assigned to the housing department, some redesign of the public area on level 3 is under consideration at the moment.

If requests for meetings are not being facilitated, please bring this matter to the attention of a senior member of staff in the Housing Department. In the meantime, I have asked the senior housing staff to review the position with regard to facilitation of customer appointments with line managers in the department. Engagement has also commenced with over Innovation Team to determine if more efficiencies/effectiveness could be integrated into provision of housing services to our customers.

Councillor Power noted the response and the challenges faced by the Housing Department. He advised that we were now in a post covid situation and needed to provide hours of service.

Councillor Killeen supported the motion and informed the members that she was looking for a customer service point in North Kildare. She spent a lot of her time helping people complete forms. It was difficult to get through on the phones.

Councillor N Connolly supported the motion and asked for a booking system similar to that in operation in Motor Tax. He asked for an outreach system similar to Newbridge.

Councillor Breslin understood the workload in Housing and suggested that a phone Lobby be set up to deal with people coming in.

Ms Aspell informed the meeting that the appointment system worked well and helped manage the workload. They were reviewing the appointment system across the council and looking at how technology and innovation might help improve service delivery. She would bring the comments of the members back to the review team. She recommended to the members that they look at a video produced by Fingal Local Authority. She also informed the members that the Housing Customer Service team received over 50% of all the queries received by the council. They were

considering introducing housing clinics around the county. Councillor Neville enquired what towns beside Newbridge had an outreach programme.

Councillor Doyle informed the meeting she was happy with the Directors response on the scale of the review.

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

16/0923

Review of the 139-bus route

The following motion in the name of Councillors Fintan Brett, Angela Feeney, Pdraig McEvoy, Naoise Ó Cearúil, Evie Sammon, Paul Ward, and Brendan Weld was considered by the members.

That Kildare County Council write to the National Transport Authority on the review of the 139-bus route between Naas, Sallins, Clane, Rathcoffey, Maynooth, Leixlip and Blanchardstown to support the need to improve the service frequency and to highlight other considerations to enhance the public transport service.

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

A report from Ms C Barrett, Director of Service, Transport, Mobility and Open Spaces stated that this is a matter for the members to agree.

Councillor McEvoy informed the meeting that they were asking the NTA to prioritise an hourly service for the 139 service, and to further increase the frequency during peak travel times. Commuters were being left at bus stops during peak times. He also asked that they should have early services to arrive at Naas and Blanchardstown in advance of 8 am to facilitate employees at those destinations, and to assess the services for connectivity with smaller settlements on the route in light of the recent census reports.

Councillor Brett asked that a request for a bus stop near Blackhall, Clane be included as it was difficult for pedestrians to cross the bridge into Clane due to the

volume of traffic and the width of the bridge. Councillor Feeney noted that accessibility continues to be an issue and Councillor Quinn said the frequency of the service is also an issue. Councillor Killeen supported the review and request to increase the frequency and to include that all buses used on this route be accessible. Councillor Neville noted that when first introduced the service was quiet but that now there is a good takeup in use.

Resolved on the proposal of Councillor McEvoy, seconded by Councillor Brett and agreed by the members that a letter issue to ask the NTA to prioritise an hourly service for the 139 bus route, and to further increase the frequency during peak travel times and also include a bus stop at Blackhall Clane and provide accessible buses at all times on the route.

17/0923

**Special committee for speed limits
and implementing Jakes Law**

The Members agreed to consider motion 17 and 22 together
The following motion in the name of Councillors Aidan Farrelly and Bill Clear was considered by the members.

That this Council agrees to form a special committee in preparation for any changes to legislation regarding speed limits by Government and to pursue the implementation of Jake's Law in Co. Kildare.

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

That Kildare County Council implement Jake's Law in housing estates as soon as possible.

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

A report from Ms C Barrett, Director of Service, Transport, Mobility and Open Spaces stated that the Minister for Transport Eamon Ryan TD and Minister of State Jack Chambers TD announced the publication of the final report emerging from the recently finalised Speed Limit Review on 14 September 2023. This Speed Limit Review, which is a high impact action under the Government's Road Safety Strategy 2021-2030, makes a number of recommendations.

Changes to the default speed limits will require primary legislation and it is envisaged that the necessary legislation could be passed in Q1 2024. Statutory guidelines will also be updated such that implementation of the Review's recommendations can commence during 2024.

As agreed with the members previously it would be premature to make changes at this time in advance of revised guidance from the Department of Transport and the formation of a committee may result in abortive work and expense by diverting resources from other priorities.

Councillor Farrelly said that new legislation proposed changes to the speed limit review. The council should be proactive rather than reactive and have this committee in place. Alternatively, this could be forwarded to the Transportation SPC. Councillor Farrelly proposed that a motion be passed to introduce Jake's Law. Councillor Clear informed the meeting that the speed limits were to be reduced and he was concerned that speeding was on the increase. The guidelines issued allowed the council to put Jake's Law in place and all the drawings are in place to facilitate this. The council cannot wait three months to start the process.

Councillor P O'Dwyer said that the anomaly of taking in charge needed to be mitigated and the council needed to uncouple the speed limit review from the implementation of Jakes Law. Councillor Hamilton said the government were now coming back with what the members had originally asked for.

Members raised the following matters,

Will the estates not taken in charge come under the guidelines?

There have been a number of children injured recently due to speeding. There is an urgent need to address this.

This has been going on since 2017.

What is the timeline for the receipt of the guidelines and passing of the legislation?
It was premature to set up a committee. The members needed to see the guidelines.
All the drawings are in place it is purely a procedural matter.

Ms Barrett informed the members of the proposed new speed limits. There is primary legislation required to introduce these and it is expected that this will happen in Quarter 1 2024. New guidelines are awaited.

Jake's Law cannot be introduced by way of a motion from the members.

The members could pass a resolution but it cannot be acted on. There is to be a briefing for Local Authorities in October.

Ms Kavanagh informed the meeting that she was aware of their concerns. There was no quick fix. The Department is going through the process of preparing the legislation for the introduction of Special Speed limits. A motion to introduce Jakes Law could not be brought to the floor. Ms Kavanagh informed the members that there would be regular updates given via the Chief Executives monthly report.

The Chair advised that all wanted to see the introduction of Jake's Law.

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

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

18/0923

Co-creation of an action plan of commitments with communities on greater transparency, accountability and citizen participation

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

That the council outline its roadmap for the remainder of this council term for pursuing the co-creation of an action plan of commitments with communities on greater transparency, accountability and citizen participation in local government, as part of our membership of the Open Local Government programme.

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

A report from Mr E Ryan, Director of Service, Corporate, People and Cultural Services stated that research on the co-creation process is continuing and discussions have taken place with OGP personnel in Central Government, Glasgow Local Authority and the OGP European body. A presentation will be made to Senior Management Team in the coming weeks to outline how we embark on the creation of our first Action Plan.

Councillor Liston reminded members that the Open Government Partnership Open Local programme was to create a two-year Action plan on how to make local government more 'open, inclusive, participative, and accountable'. Part of the process is independent and public evaluation of progress on the commitments in the Action Plan. Councillor Liston asked when will the members see a roadmap of the process that will be followed. She advised there was only 8 months left in the current term, and how this impact the achievement of the action plan and work already done? Would it be carried forward to the new council. She pointed out that participation needed the agreement of the Council and noted her support for the work ongoing on the project.

Mr Ryan informed the meeting that work is ongoing. He hadn't yet seen the report, The report when ready would be brought to management team to reflect on and discuss.

Councillor Liston informed the members that the Action Plan was about sitting down with residents and communities of Kildare and that was why it was valuable and transformative.

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

19/0923

Castletown House

The members agreed to take motion 17 and 18 together.

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

That this council consider in conjunction with the OPW initiating a CPO of the access way and Car Park at the M4 entrance to Castletown House.

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

A report from Mr A Dunney, Director of Service, Planning, Enterprise, Economic Development and Emergency Services stated that the Council note that talks are ongoing between the OPW and the new landowners and we are keen that this process be given the space to reach what will hopefully be a positive conclusion. That said, we are monitoring the situation and will continue to engage with, and support, the OPW to maintain adequate access to this hugely important national and local tourist attraction and amenity.

The following motion in the name of Councillor Ciara Galvin was considered by the members.

That this council write to the OPW expressing concern at the recent change to access and parking at Castletown house, affecting residents of North Kildare and further afield. We further call on the council to work with the OPW and other stakeholders to find a permanent solution to the issue, up to and including the CPO of relevant lands.

The motion was proposed by Councillor Galvin and seconded by Councillor Breslin
A report from Mr A Dunney, Director of Service, Planning, Enterprise, Economic Development and Emergency Services stated that if the members wish a letter can be sent to the OPW, however, it should be noted that the Council is in regular

contact with the OPW regarding numerous issues across Kildare including Castletown House, and will continue to engage with, and support them to maintain adequate access to this hugely important national and local tourist attraction and amenity.

Councillor Neville explained the background to this situation and that this was an evolving situation. A developer had bought part of the land and the OPW had changed access and had indicated they would be opening a new car park. Local residents and indeed the wider community of North Kildare had not been consulted on these changes. There had been a public meeting with the OPW the previous week and some of the proposed changes had been deferred.

Councillor Galvin agreed with Councillor Neville that this was an evolving situation and wanted a letter to issue asking that the access to and carparking in Castletown be retained. She said that the Councillors had been blindsided on this. The council need to investigate if there was a right of way.

The members raised the following:

This had been discussed at Municipal District Level.

Legal advice should be sought to see if a right of way existed.

The members needed to stay vigilant.

There was anger in the community over access being restricted.

Mr Dunney advised the members that the Council is in regular contact with the OPW regarding numerous issues across Kildare including Castletown House, and will continue to engage with, and support them to maintain adequate access to this hugely important national and local tourist attraction and amenity. He informed the members that negotiations were continuing and hoped they would come to a satisfactory conclusion.

Councillor Galvin said she would withdraw her motion.

The members would continue to monitor the situation. The reports were noted.

20/0923

Photovoltaic solar powered speed signs

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

That independent of the speed limit review, the council undertake to use photovoltaic solar powered speed signs indicating the speed limit on the approaches to all towns, rural villages and settlements where primary schools are located.

The motion was proposed by Councillor Behan and seconded by Councillor McEvoy

A report from Ms C Barrett, Director of Service, Transport, Mobility and Open Spaces stated that the current speed limits are clearly signposted at all such locations throughout the County. The benefit of replacing the existing signage with electronic displays would not outweigh the costs involved. The requirement for statutory speed limit signage may change following the publication of the speed limit review so it would be premature to replace the signage.

Councillor Behan welcomed the report but thought it would be worthwhile. She informed the members that since she joined the council in 2019 a lot had changed. More children were being encouraged to walk or cycle to school. There are 48 schools in Kildare. It would have been great to have had the speed limit review. She did not see enough of these signs and believed that they were effective and helped to modify driver behaviour. It would be great to have a programme to replace existing signage with these type of signs with an idea of the costs involved.

Ms Barrett informed the meeting that when the new speed limits come into law, the council will have to roll out the new system. These types of signs are expensive and they can look at where they might be put to best effect.

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

21/0923

Updates the GIS data

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

That the council updates the GIS data for County Kildare's Hilltop Views, Scenic Viewpoints, Scenic Routes and Record of Protected Structures on the Government Open Data portal at <https://data.gov.ie> to reflect the updates in the new County Development Plan, and ensures that these datasets are available to view and up-to-date on <https://heritagemaps.ie>

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

A report from Mr A Dunney, Director of Service, Planning, Enterprise, Economic Development and Emergency Services stated that the updates to GIS data for County Kildare's Hilltop Views, Scenic Viewpoints, Scenic Routes, and Record of Protected Structures on foot of the adoption of the Kildare County Development Plan 2023-2029 are ongoing. These datasets have been prepared and will be uploaded as soon as practicable.

Kildare County Council are also in the process of rolling out our own Datahub and this will automatically feed into the Government Datahub.

Councillor Wyse welcomed the report. Last month he had requested data be added for scenic routes. This information would be used by specialist groups.

Mr Dunney informed Councillor Wyse that he hoped that the data would be uploaded before the end of the following week.

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

22/0923

Outsourcing pay parking enforcement

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

Go gcuirfeadh Comhairle Contae Chill Dara deireadh leis an gcleachtas forfheidhmiú páirceáil pá a fhoinsiú allamuigh ag an gcéad deis eile atá ar fáil agus aistriú chuig seirbhís a sholáthraíonn foireann na Comhairle go díreach.

That Kildare County Council end the practice of outsourcing pay parking enforcement at the next available opportunity and change to a service directly provided by Council staff.

The motion was proposed by Councillor N Connolly and seconded by Councillor Neville

A report from Ms C Barrett, Director of Service, Transport, Mobility and Open Spaces stated that the outsourcing of pay parking services has proven to be an efficient mechanism for the regulation of the Road Traffic Regulations, Parking Bye-Laws and Policies as adopted by the Elected Members in both on-street and off-street parking. It is important to note that this service is managed and monitored by the Transportation Department to ensure that the service provider is meeting the requirements. The management of parking services would require a significant capital investment in technological solutions for both the management of the service from a Council perspective and the availability of means to pay for parking services. The employment of additional staff to manage these services as well as the procurement and purchase of all the technical software, hardware and supporting services would be significant and not deemed value for money at the present time. The Transportation Directorate intend to tender for parking management services in 2024 to ensure that the best value for money is achieved in the administration of this.

Councillor N Connolly informed the meeting that he was disappointed with the response. He believed that the council would be better using direct employees to provide warden services. Public money should be used for public services. These

staff would be the eyes and ears of the council on the ground and in addition could deal with litter and dog fouling. He asked for the members support for his motion.

Ms Barrett informed the meeting that there would be staff resources and significant technical investment required if the council were to take this service inhouse. It would require the development of specific inhouse bespoke services. In addition, there would be a need to recruit staff and the issues associated with this.

Councillor N Connolly replied that the significant investment could come from the income generated from carparking. Could the members have the costs?

Ms Kavanagh advised that the figure is in the revenue budget but the value was commercially sensitive. She advised that the councillor should look at the municipal district budget figures which will be available in October. She also added that this was a HR issue and did not fall within the remit of the elected members.

Councillor Doyle added that the service was running efficiently and that the negotiations should be used to maximise the return.

The motion was put to a vote.

Resolved on the proposal of Councillor Connolly, seconded by Councillor Neville with 5 members voting in favour ,15 members voting against and no abstentions. the motion fell.

23/0923

Car chargers at in new housing developments, apartment complexes and terraced housing

The following motion in the name of Councillor Peter Hamilton was considered by the members.

That the council resolve the method to install car chargers at assigned parking spaces in new housing developments, apartment complexes and terraced housing without individual parking, and support residents with pilot installations with initial focus in the decarbonising zone.

The motion was proposed by Councillor Hamilton and seconded by Councillor Doyle

The following report from Ms C Barrett, A/Director of Service, Transport, Mobility and Open Spaces stated that the Transportation Department require installation of EV Charging in all appropriate developments. Where there is no individual parking, appropriate hubs are encouraged, within developments, as part of the solution to ensure there is appropriate access to EV charging. This is applied across the County.

Councillor Hamilton informed the members that there was a gap here and this needed to be bridged. Some residents of recently developed housing estates like Carton and Straffan Wood did not have designated parking spaces outside their homes. They had to use communal parking spaces or had to park on the side of the road. This presented issues when trying to get an electric vehicle charged. The cost of charging an electric vehicle could vary from 11 cent to 70 cent per unit depending on where you had to source your supply. The ideal time to charge was overnight. Households needed their own solution. There was a lack of clarity from the SEAI. Local Authorities needed to learn from the Dublin Experience. He was looking for some good news on this problem.

Councillor Killeen asked what was the point of having a policy if the public couldn't charge their vehicles. Councillor McEvoy asked if it was a funding issue and enquired if councils were mandated to fund or support charging points.

Ms Barrett informed the meeting that this was a complex issue, that the council were devising a strategy with other local authorities in our region. National guidelines and general guidelines were required.

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

24/0923

Authority to contract or agree terms or sign contracts relating to the disposal of council owned land

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

That the council clarify when and which of the elected (councillors) vs the executive (staff/management) arms of the council have the authority to contract or agree terms or sign contracts relating to the disposal of council owned land including a clarification of the right of elected representatives to access any documentation legal or otherwise of such agreements entered into by the executive arm, relating to land disposals.

The motion was proposed by Councillor McLoughlin Healy and seconded by Councillor Liston

A report from Mr E Ryan, Director of Service, Corporate, People and Cultural Services stated that the reserved function of the members in relation to the disposal of land is as set out in section 183 of the Local Government Act 2001 as amended. The executive consider the terms of any contract following due diligence, including valuations and legal advice where necessary and provide the information required by Section 183 to the members for decision. The contract for disposal is signed by either the Director of Service or the Chief Executive depending on the value. Disposals in excess of €1 million require the approval of the Chief Executive. The elected members do not have any automatic right to access any documentation legal or otherwise, on such agreements entered into by the executive but have recourse to the provisions of the Freedom of Information act in relation to any records of council. In addition, where it is agreed that certain records will be provided to the members for the purpose of consideration of the section 183 these records are provided.

Councillor McLoughlin Healy asked for clarification, if land is purchased under CPO and an agreement is reached with the landowner by the executive that any land not

required will be sold back to the landowner, then the members are being asked to rubber stamp this agreement. Members should have access to these agreements. The members are then being asked to agree the disposal under those terms agreed by the executive.

Mr Ryan informed the members that specific valuations are brought to the members. Before any disposal is agreed it must be brought to the members by way of Section 183 for their approval. Access to any documentation is not a specific right for councillors.

Ms Kavanagh informed the members that where there is a disposal of land, the purchaser is made aware that it is subject to the agreement of the members. The executive follow that process.

Councillor McLoughlin Healy informed members that any agreement that the council entered into was being rubberstamped by the members. Members should have access to all the information as a right and with a duty of due diligence, not like a member of the public seeking access under FOI.

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

27/0923

Short-term lets in Kildare County

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

That noting the swift expansion of short-term lets in Kildare County and considering the concerns from residents, businesses, and housing advocates, that this council introduce specific bye laws to regulate these lets. This includes: (A) defining a 'short-term let' as any residential property rental for less than 14 consecutive days to ensure uniform understanding; (B) requiring property owners to register with Kildare County Council and obtain a license, ensuring all properties adhere to set standards;

and (C) establishing clear safety and maintenance standards for these properties to protect visitors and maintain the integrity of the county's housing stock.

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

A report from Mr A Dunney, Director of Service, Planning, Enterprise, Economic Development and Emergency Services stated that the introduction of byelaws are only used where there is not already existing legislation. As part of the measures to help address pressures in the private housing rental market, planning legislative reforms to regulate the short term letting sector - as provided for in the Residential Tenancies (Amendment) Act 2019 and supplementary regulations made by the Minister for Housing, Planning and Local Government entitled the Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019 came into effect on 1 July 2019.

Under this legislation,

- Short term letting is defined as the letting of a house or apartment, or part of a house or apartment, for any period not exceeding 14 days.
- Homesharing (the letting of a room or rooms in a person's principal private residence) will continue to be permissible on an unrestricted basis and be exempted from the new planning requirements.
- Homesharers will be allowed to sub-let their entire principle private residence (house or apartment) on a short term basis for a cumulative period of 90 days where they are temporarily absent from their home.
- Where the 90 day threshold is exceeded, change of use planning permission will be required.
- If you homeshare your principal private residence in a rent pressure zone and wish to avail of the new planning exemptions, you will need to register this with your local authority and fulfil specified reporting obligations.

However, where a person owns a property in a rent pressure zone which is not their principal private residence and intends to let it for short-term letting purposes, s/he will be required to apply for a change of use planning permission unless the property already has a specific planning permission to be used for tourism or short-term letting purposes.

Further details and the required forms can be downloaded from the Council's website.

Kildare County Council are aware that further revisions to this legislation are contained in the Draft Planning Bill currently being finalised.

Councillor Pender accepted that where primary legislation existed that bye laws could not be introduced. He asked how do the council know when 90 days have been reached and what is the process to make a complaint?

Mr Dunney said he would come back to Councillor Pender on the question of 90 days. Exceeding the 90 days was unauthorised development. Reports are sent to the Department based on returns provided. Councillor Pender asked if they could see the reports sent back to the Department.

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

28/0923

LPT review

The following motion in the name of Councillor Nuala Killeen was considered by the members.

To discuss the LPT review where Kildare County Council were not adequately allocated funding to manage the services, per head of population, currently in place that the Councillors seek clarification from the Minister as to their rationale in relation to their continuation of a deficit of funding allocation that Kildare County Council operates under and to seek an urgent review of same.

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

The members received the following report from Ms F Millane, A/Head of Finance. Members were circulated with a briefing note on the LPT baseline review on Monday 11 September 2023. As per that briefing note, population is only one of five drivers determined by the working group on the baseline review. Each of these drivers were ascribed specific weightings.

The calculations were done on the basis of the €353m that already existed under the 2023 Baseline model. In these Kildare's allocations were as follows:

Indicator	Percentage of fund (prescribed weighting)	Basis	Kildare's Allocation (based on 2023 baseline / new model) €	Total Allocation €	Rank
Population	10%	Population – Census 2022	1,701,410	35,295,729	5
Area	35%	Land area	2,977,965	123,535,053	20
Deprivation	20%	Pobal Deprivation Index for MDs	1,643,694	70,591,459	20
Income	27.5%	Proportionate to distance from the highest income per capita	4,445,721	97,063,256	5
National Policy Priorities	7.5%	Housing (based on NOAC KPIs) and Climate (based on Emissions targets from SEAI)	773,455	26,471,797	23

	100%		11,542,245	352,957,294	13
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Government agreed a ‘no reductions plus €1.5m minimum increase to the baseline’ for 2024, which resulted in KCC’s baseline increasing to **€13,255,790** – which positions Kildare at 11th out of 31 for baseline funding.

As agreed by the Minister, 100% of the LPT raised in Kildare remains in Kildare- -the benefit to our baseline increase is that there is almost no increase to the ‘self-funding’ for 2024 – ie the baseline increase directly improves discretionary expenditure, not the self-funding element. Unfortunately, the Department has indicated that there will be no subvention for inflation / energy increases for 2024, which in 2023 amounted to just over €1.5m in Kildare.

The key underlying issue is that Local Authorities have effectively not seen an increase to the baseline since 2012, whilst in that time there has been significant cost-of-living increases.

It should be noted, however, that in that same period exchequer funding for revenue related grants in Kildare increased from €29.8m to €76.9m.

The Department have indicated that this model will not be revisited in the immediate future and any reviews will be done in 5 years – however, these reviews will be amending the figures to reflect updated population/income/etc, and not changing the model. If the Members decide to lobby the Minister on this issue, it would be helpful if (for the next iteration) that the weighting for area was reduced and population increased.

Councillor Killeen informed the members that the council were waiting a long time for the review. Based on the latest figures Kildare had got an increase of 58 cent per person where other Local Authorities were getting as much as €30 per person.

The National priority was Housing but Kildare needed to negotiate under National Policy to address this under funding issue.

The members made the following points,

- This was an ongoing issue for Kildare.

- No progress was being made on this.
- Local Government had not devolved.
- We should negotiate on our own.

Ms Millane informed the members that she agreed with them. The issue had been going on since 2012. She clarified other local authorities adjustments. The baseline had not increased since 2012. The Department were not going to revisit this in the next 5 years. If the members were to lobby on this then they should push for an increase in the population weighting and decrease in the land weighting. No local authority could be happy with this situation.

Ms Kavanagh informed the members that the data contained in POBAL Deprivation index would not help the council's cause.

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

The meeting concluded.