

**KILDARE COUNTY COUNCIL**  
**Minutes of meeting of Full Council held at 3:00 p.m.**  
**Monday 27 March 2023 in the Council Chamber**  
**Áras Chill Dara, Devoy Park, Naas, Co Kildare.**

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

**On Line** Councillors VL Behan, Í Cussen, B Dooley, K Duffy, F McLoughlin Healy and J Neville.

**Apologies:** Councillor S Moore.

**Also Present:** Ms. S. Kavanagh Chief Executive, Ms. A Aspell, Mr. J Boland, (Directors of Services), Ms. A Granville, Ms. M Higgins, Ms. C Barrett (A/Director of Services) Ms. F Millane (A/Head of Finance), Ms. B Sweeney (Financial Accountant), Ms. C O'Grady (Meetings Administrator), Mr. J Hannigan (Meetings Secretary) and other officials.

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

### **01/0323**

#### **Bereavements**

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

Niall Burke, Assistant Chief Fire Officer who died in service.

Mary Glennon former Councillor and Mayor of Kildare

Peter (Blue) Sheridan, brother of Angela Sheridan (Motor Tax)

Breda Callan, mother of Rachel O'Connell, Corporate Services

A minute's silence was observed.

### **02/0323**

#### **Declaration of Interests**

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

### **03/0323**

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

The council considered the draft minutes of the special meeting on 9 December 2022 and the monthly meeting held on the 27 February 2023 together with the progress report.

**Resolved** on the proposal of Councillor Caldwell seconded by Councillor Ó Cearúil and agreed by the members present that the minutes of the special meeting on 9 December 2022 be adopted.

**Resolved** on the proposal of Councillor McEvoy, seconded by Councillor Breen and agreed by the members present that the minutes of the monthly meeting on 27 February 2023 be adopted.

The progress report was noted.

**04/0323**

**Chief Executive's Monthly Management Report**

The members noted the Chief Executives monthly management report.

**05/0323**

**Annual Financial Statements 2022**

The members considered the Annual Financial Statements (AFS) for 2022 and approval of the over-expenditure for the year ended 31st December 2022 (Appendix 9 AFS).

Ms. B. Sweeney informed the meeting that the Kildare County Council Annual Financial Statement for the year ended 31<sup>st</sup> December 2022 was circulated to member for their consideration and following that it will be submitted to the Department.

The local government auditor will commence his audit of the AFS 2022 in July 2023 as in previous years and is expected to complete the audit by end of October 2023 so that his audit report can be presented to the Full Council at the November Meeting.

The Revenue Account show's a surplus for the year 2022 of €52k.

Collection rates on the three main areas Commercial Rates, Rents and loans have remained the same or increased for the year 2022.

Appendix 9 of the AFS showed the division where there was excess of expenditure to the budgeted figure, but these have been funded by additional income or savings. Overall, a surplus was achieved in 2022 of €52k.

**Resolved** on the proposal of Councillor Liston seconded by Councillor Feeney and agreed by the members that the Annual Financial Statements for 2022 be noted and that the over expenditure for the year ended 31<sup>st</sup> December, 2022 set out in Appendix 9 of the AFS be approved.

**06/0323**

**Annual Service Delivery Plan 2023**

The members considered the Annual Service Delivery Plan 2023.

The Meetings Administrator outlined that Section 50 of the Local Government Reform Act, 2014 required the Council to prepare an Annual Service Delivery Plan, to be adopted by the elected members. The draft Annual Service Delivery Plan is developed within the context of the vision of the Council's Corporate Plan "working together towards an inclusive and sustainable County".

She confirmed that the draft Annual Service Delivery Plan 2023 has been prepared consistent with Budget 2023 as adopted by the members and it underpinned the objectives set out in the Council's Corporate Plan. It also outlined the objectives for service delivery, with measurable performance standards and targets, which Kildare County Council would set out to achieve in the year ahead, and CPG had agreed it go forward to full council for approval.

**Resolved:** On the proposal of Councillor Hamilton seconded by Councillor Liston and agreed by all members present that the Annual Service Delivery Plan 2023 be approved.

**07/0323**

**Section 85 Agreement with Wicklow County Council**

The members considered entering a Section 85 Agreement in accordance with the Local Government Act 2001, as amended, with Wicklow County Council for the carrying out of the powers, duties and functions of Kildare County Council in respect of an event licence application for a multistage music and arts festival with camping and parking facilities at Russborough House and Parklands, Blessington, Co Wicklow on the 30 June, 1, 2 and 3 July 2023,

Councillor Ó Cearúil sought clarification for the public on the reasons for section 85 agreements as there had been a number in Kildare for projects in other places for example, where Kildare County Council advertised to carry out improvements to bridges in County Wexford.

Ms Kavanagh explained that a local authority might be appointed the lead on National projects and Kildare NRO has the lead on Bridge projects. They place all advertisements in these cases. Regarding the current Section 85, it makes sense for Wicklow County Council to take the lead as the majority of the area in the application is in their administrative area.

**Resolved** on the proposal of Councillor Sammon seconded by Councillor Leigh and agreed by the members present that the Section 85 Agreement in accordance with the Local Government Act 2001, as amended, with Wicklow County Council for the carrying out of the powers, duties and functions of Kildare County Council in respect of an event licence application for a multistage music and arts festival with camping and parking facilities at Russborough House and Parklands, Blessington, Co Wicklow on the 30 June, 1, 2 and 3 July 2023, be approved.

#### **08/0323**

#### **Roads Program 2023**

The members considered the Roads Program 2023 and the report circulated in advance of the meeting.

The report was noted.

#### **09/0323**

#### **Consent Order for Judicial Review**

The members considered the Consent Order for Judicial Review on the Addition of Gowran Grange House and Demesne to the Record of Protected Structures in the Kildare County Development Plan 2023-2029..

The Cathaoirleach informed the members that Naas Municipal District supported this request. Ms Granville noted that this is a reserved function and asked the members to approve the request.

**Resolved:** On the proposal of Councillor Sammon seconded by Councillor Liston and agreed by all members present that the Consent Order for Judicial Review on the Addition of Gowran Grange House and Demesne to the Record of Protected Structures in the Kildare County Development Plan 2023-2029 be approved.

**10/0323**

**To Consider the Draft Serviced Sites Scheme 2023-2029**

Councillor Power informed the meeting that a copy of the Draft Scheme had been circulated to the members. As Chair of the SPC he was proposing that the scheme be adopted. He had hoped to present this to the January meeting of the council and described it as a pilot. If successful it would drive the policy in 2024. The objective is to

- Increase supply of rural dwellings
- Support rural dwellers.
- Help the viability of villages

He noted that progress on the pilot would be monitored by the SPC.

Ms Granville informed the meeting that the NPF committed to supporting local authorities in undertaking the necessary land acquisition, site preparation and local infrastructure provision to deliver self-build development options in towns, villages and rural settlements as listed in the County Development Plan Settlement Hierarchy. A funding stream was made available.

National Policy Objective 18b addressed this specifically and set out an objective to “Develop a programme for ‘new homes in small towns and villages’ with local authorities, public infrastructure agencies such as Irish Water and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages”.

Section 3.13.7 of the Kildare County Development Plan 2023-2029 refers to ‘Providing a Sustainable Alternative to One-Off Housing’. It addresses this National Policy Objective by preparing this “County Kildare Serviced Sites Scheme”. 19 sites had been designated throughout the county.

Councillor McEvoy seconded the proposal and suggested that the name should change from pilot to prototype.

The members raised the following matters

- Where were the designated sites and would the council purchase these sites?
- Sites should be made available at a reasonable cost.

- How will this impact on family members trying to build on family land?
- What was the time frame for the pilot?
- A full review, following the pilot, needed to be carried out.
- Was it intended to put a lien on the property in the event of a clawback being required?
- How were the issues of drainage, water supply and sewerage being addressed?
- This scheme was different from the Conaithe scheme that was circulated.
- Would the council acquire all 19 sites?
- Would this scheme cater for downsizing?
- What qualified as a suitable serviced site?
- Was there sufficient resources in the council to manage this?
- Insufficient time had been given to the members to consider this scheme.

Ms Granville advised as these were serviced sites there would be no issue with services. The council owned a site in Kildangan that could be used as a test for valuation. Designs would be in line with Rural Housing Policy. There would be a condition of occupancy of 10 years. Mortgage holders would have first claim, but putting a lien on the property could be considered. This scheme was not a silver bullet solution to rural housing.

Cllr. Heavey proposed a briefing on the scheme, Cllrs Fitzpatrick proposed a deferral for one month and that a special SPC meeting be held at which other members could attend. Following discussion, it was agreed by the members that this item should be adjourned to the April meeting as the members needed more time to consider the Draft scheme.

**Resolved** . with the agreement of the members this item be adjourned to the April meeting.

### 11/0323

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

The Cathaoirleach thanked the Leas Cathaoirleach Cllr. Neville for attending several events in his absence. He thanked Councillor Sammon for deputising for him on the official visit to New York and noted that a report on the visit will be available for the

next meeting. He also thanked Councillor Aoife Breslin for chairing the County JPC on the 6 March.

He confirmed that he had attended the renaming of the Dublin Gliding Club to Leinster Gliding Club at Gowran Grange on the 25 March.

### **12/0323**

#### **Comhfhreagras/Correspondence**

The Meetings Administrator confirmed nine items of correspondence had been circulated to the members along with the progress report. These included two circulars from the Department of Housing, Local Government and Heritage LG02-2023, Annual Remuneration of Elected Members and LG09-2023, Maternity Leave and Temporary Substitutes for Elected Members, six motion referrals from other local authorities along with an item of correspondence from Senator Victor Boyhan on the Citizens Assembly on drug use.

The correspondence was noted.

### **13/0323**

#### **Conferences and Training**

The Meetings Administrator referred to the conference and training report which had been circulated in advance of the meeting and had been recommended by Corporate Policy Group.

IREO Training, EU Funding Conference at Radisson Blu Hotel, Athlone, 19 April, cost to be confirmed, plus travel and subsistence.

AILG training on Connecting Ireland and Rural Public Transport Investment: Opportunities for Rural Regeneration Plans, Webinar, Friday 28 April

AILG training on Climate Action Plans at the Mullingar Park Hotel, Mullingar, 15 June at a cost of €80 plus travel and subsistence.

AILG training on Climate Action Plans at the Avalon Hotel, Castlecomer, Kilkenny, 17 June at a cost of €80 plus travel and subsistence.

**Resolved** on the proposal of Councillor McEvoy seconded by Councillor Hamilton and agreed by the members that the events and attendance of members be approved.



**14/0323**

**Maximising Purchase of Homes for Sale Occupied by HAP/Social Housing Tenants**

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

That the council uses the tenant-in-situ purchase scheme and other relevant schemes to maximise the purchase of homes put up for sale that are occupied by HAP tenants or other social housing tenants, working with AHBs where appropriate to make the purchases, and puts a high priority on setting up measures and the government support mechanisms required to borrow to fund these purchases.

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

A report from Ms A Aspell, Director of Services, Housing and Corporate Services stated that week beginning the 13 of March the council received delegated sanction for the purchase of 55 tenant-in-situ properties in 2023. The council commenced such tenant-in-situ purchases in 2022 and since then has purchased, or is in the process of purchasing, a total of 39 properties. Acquisitions are funded through the Social Housing Investment Programme, which grant funds local authorities to purchase properties, therefore no borrowing is required. If the sanctioned number of 55 properties is inadequate the council will raise this matter with the Department of Housing, Local Government and Heritage. The circular outlining the tenant-in-situ scheme makes no reference to purchases by AHBs.

The Cathaoirleach sought the permission of the members to take item 24, a motion in the name of Councillor Farrelly with this motion as they were similar. The members agreed.

**Funding Allocated to Tenant-In-Situ Scheme in 2023**

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

That the Council confirms details of the funding allocated to the tenant-in-situ scheme in 2023, the number of units it expects to purchase under this scheme in 2023, and how this compares with the expected demands on the scheme.

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

A report from Ms A Aspell, Director of Services, Housing and Corporate Services stated that Kildare County Council has been provided with an initial allocation of funding for 55 acquisitions in 2023 and we would expect to purchase this number of properties. The Department of Housing, Local Government and Heritage has indicated that the number of acquisitions approved nationally, i.e.1500, will be kept under review throughout 2023.

The members raised the following points

- With the ending of the eviction ban there is going to be more pressure on the system.
- 55 units was not enough. It was not even 5% of what was needed.
- Eviction had a massive effect on the family unit.
- Were there staff in place to deal with this expected surge?
- If the council exceed the target of 55 will each subsequent case be taken on a case by case basis?
- Can the council seek to increase the target of 55?

Members asked to be kept informed of progress on discussions with the Department.

Ms Aspell advised the members that not all Social Housing Delivery could be met by acquisition. The administration side was in place to deal with the current workload but she had raised the issue of additional work with the Department. She has not had a definitive answer yet. Preventing homelessness was the key. Senior staff were aware of the situation. Ms Aspell would keep the members informed.

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

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

**15/0323**

**EU Funding Officer**

The following motion in the names of Councillors Evie Sammon, Brendan Wyse, Fintan Brett, Tim Durkan, Kevin Duffy, and Ivan Keatley was considered by the members.

That Kildare County Council explore the possibility of assigning a staff member as an EU Funding Officer. The role of this officer would be to analyse the Council's strategic plan and identify where EU funding could be used to progress elements of that plan and to assist community and voluntary organisations in identifying possible funding sources.

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

A report from Ms M Higgins, A/Director of Services, Community and Economic Development stated that Kildare County Council is currently undertaking research to develop a Work Force Plan for the organisation. As part of the analysis the future resource requirements of the Local Authority will be assessed. The workforce plan will be subject to provision of funding and will require sanction from the Department of Housing and Local Government and Heritage for any additional resources above the current staff levels.

Councillor Sammon was happy with the report. The suggestion was made on the basis that the council might be losing out by not having a dedicated resource.

The following points were raised

- EU funding often required matched funding.
- Were Public Realm projects part funded by the EU?
- There were lots of EU Funds available.
- The EU were currently revising the baselines for eligibility.

Ms. Kavanagh informed the members that the Community Department had looked at EU funding. The URBACT project had been EU funded. It was not an infrastructural project. The LEADER and SICAP were drawing down EU funding. The Regional

Assembly, Eastern and Midlands Regional Authority would keep us informed. There are lots of funds that we were not eligible for.

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

### **16/0323**

#### **Inclusion of Families in Housing First Policy**

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

Given the housing crisis that the members of Kildare County Council call on the Minister for Housing to include families in Housing First policy.

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

A report from Ms A Aspell, Director of Services, Housing and Corporate Services stated that Housing First provides a comprehensive and holistic approach to addressing homelessness for people experiencing mental health, physical health, substance misuse, social, behavioural, and other challenges and is currently being rolled out across the country, including in the Mid-East Region, to support single people to exit homelessness. Housing First offers access to a home, as well as access to person-centred, community-based, recovery-oriented visiting supports.

It is acknowledged that a number of families, mostly living in supported temporary accommodation, could benefit to a similar approach to Housing First, in particular wrap around supports that would assist them in transitioning from homelessness to sustaining a tenancy. The council is currently supporting 83 number of households through its tenancy sustainment service. While consideration of the motion is a matter for the elected members, I would support the premise of the motion.

Councillor Breslin informed the members that we are currently facing a Homeless crisis. This scheme was good for single people but it was also needed for families. She asked the members to support the request to extend this scheme to families.

Ms Aspell advised that if the members agreed that a letter would be sent to the Minister for Housing asking him to include families in the Housing First policy.

**Resolved** on the proposal of Councillor Breslin, seconded by Councillor Leigh and agreed by the members present that a letter issue to the Minister for Housing calling on him to include families in Housing First policy.

### **17/0323**

#### **Breaches of the Code of Conduct for Councillors**

The following motion in the names of Councillors Ciara Galvin and Anne Breen was considered by the members.

That the council set out the reporting mechanism and process for dealing with perceived breaches of the Code of Conduct for Councillors.

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

A report from Ms A Aspell, Director of Services, Housing and Corporate Services stated that the code of conduct for councillors was issued by the Department of Housing, Local Government and Heritage.

The objective of the code is to

- Set out principles and standards of conduct, respect, dignity, equality and integrity for councillors, in performing their functions and in their relationship with each other with Council employees and with the public.
- Inform the public of the conduct it is entitled to expect from its elected representatives.
- Uphold public confidence in local government.

The legislative background includes

- Local Government Act 2001, as amended by the Local Government Reform Act 2014 - Part 15 – Ethical Framework for the Local Government Service
- Ethics in Public Office Acts 1995 and 2001
- Safety, Health and Welfare Act 2005
- Regulation of Lobbying Act 2015

Councillors must declare that they have read and understood this Code as part of their annual declaration made under section 171 of the 2001 Act. All councillors, whether elected or co-opted, are obliged by the 2001 Act to have regard to and be guided by this Code in the exercise of their functions. The principles and intent of the Code should also underpin the conduct of councillors when appointed to other public bodies and local government associations.

Where the Council's Ethics Registrar becomes aware of a possible contravention by a councillor of a provision of Part 15 of the Local Government Act 2001, it is his or her duty to bring it to the attention of the Chief Executive and the Cathaoirleach of the Council (or the Chief Executive if the matter concerns the Cathaoirleach). It is a matter for the Chief Executive and the Cathaoirleach (or the Chief Executive, as appropriate) to consider what action should be taken in accordance with the legislation. This may include investigation, referral to the Director of Public Prosecutions or the making of a complaint by the Cathaoirleach/Chief Executive to the Standards Commission.

The Standards in Public Office Commission supervises the Ethics in Public Office Acts 1995 and 2001, the Local Government Act 2001 (Part 15 Ethical Framework for Local Government Service) and the Regulation of Lobbying Act 2015.

Complaints can be made to the Commission about a contravention of the Ethics Acts or Part 15 of the Local Government 2001 Act (e.g a failure to disclose an interest) or a 'specified act', i.e. an act inconsistent with proper performance of official functions. A court may have regard to the Code in any proceedings for an offence under Part 15 of the 2001 Act, as may the Standards in Public Office Commission in carrying out its functions.

The Standards Commission will not generally consider a complaint about a contravention of Part 15 until all appropriate local avenues have been exhausted. Complainants should therefore raise the matter with the Ethics Registrar in the first instance. If a person is not satisfied with the outcome of the consideration of the matter following referral to the Ethics Registrar, he or she may make a complaint to the Standards Commission.

In November 2022 Kildare County Council along with all other local authorities put in place a protocol for dealing with complaints made against elected members of the council. A copy was circulated to members and is available on the council website

under ethics [KCC Protocol for Dealing with Complaints against Councillors.pdf \(kildarecoco.ie\)](#) and on the members portal.

This protocol is written having regard to the Code of Conduct for Councillors published by the Department of Housing, Planning and Local Government, and the Local Government Act 2001, as amended by the Local Government Reform Act 2014, with specific reference to Part 15 Ethical Framework for the Local Government Service.

This protocol is only intended to deal with complaints of contravention of the Code of Conduct of Councillors

The protocol is accompanied by a complaint form which should be completed and sent to the Ethics Registrar Ms. P Comerford. [Complaint Form for Complaints against Councillors.pdf \(kildarecoco.ie\)](#)

With regard to the conduct of councillors at meetings of the Council and Municipal Districts, authority for the keeping of order at meetings rests with the Cathaoirleach or Mayor of the Council or Municipal District as appropriate and standing orders sets out the requirements and actions that can be taken in this regard. In particular the standing orders titled Order of Debate (no 18 on council SO's and no 19 on MD SO's) and Disorderly Behaviour/Conduct (no 19 on council SO's and 20 on MD SO's) apply.

[Standing Orders - Kildare County Council \(kildarecoco.ie\)](#)

Councillor Galvin welcomed the report and welcomed the fact that the process was open for use by councillors.

She highlighted that the report outlined the role of the cathaoirleach at formal meetings but there were informal meetings, Whats App groups, and meetings about LPT. How these were managed and dealt with needed to be discussed and agreed. The use of mediation was not set out in the report and maybe the Protocol committee could examine this.

The following points were raised by the members.

- They supported the motion.
- A workshop had been held chaired by Councillor McEvoy this had been very helpful.
- Why was there no complaint form to complain about staff?

- Other councillors had experienced similar issues.
- Issues like these should be workshopped and tools be developed to help.
- There should be no behavioural difference between public and private meetings.
- Councillors should be treated with respect.
- Things have improved immensely in recent years with regard to protocol and procedures.

Ms Aspell informed the members that councillors sign the Code of Conduct and should abide by that.

There is also a code of conduct and a complaints system with regard to complaints about staff. Certain members of staff have also to complete an Annual Ethics declaration. Mediation has been used in the past to resolve issues informally.

It was also noted the motion as presented was in relation to members so the response dealt with this aspect only.

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

### **18/0323**

#### **Annual Capital Funding for Legacy Estates in Kildare**

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

That Kildare County Council, with members agreement, writes to the Department of Public Expenditure to request that capital funding be put in place annually to address legacy estates in County Kildare.

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

A report from Ms C Barrett, A/Director of Services, Roads and Transportation and Public Safety Department stated that the Development Control section are currently tasked with bringing all estates, including legacy estates, up to a taking in charge



standard. We currently estimate that there are c150 legacy type estates in the County where work has not been completed to a taking in charge standard.

In the Council's Draft taking in Charge Policy, legacy developments are defined as "older" estates where the planning permission has typically expired, the Developer may have ceased trading and there may be inadequate or no bond funds available to complete the estate to a taking in charge standard.

The Development Control Section would support writing to the Department of Public Expenditure and Reform and the Department of Housing, Local Government and Heritage requesting that a national fund be established to provide funding to local authorities in order to bring legacy estates to an appropriate taking in charge standard.

Councillor T O'Dwyer welcomed the report and advised that she was aware of 13 legacy estates where the council were actively tankering sewerage. This was a county wide problem.

Councillor McEvoy informed the meeting that this was an area where LPT funding might be applied but pointed out that the Government had set aside funding for Pyrite remediation.

Ms Barrett supported Councillor T O'Dwyer's request and informed the members that there was no fund to get these estate to taking in charge standard. She also advised that they worked with Uisce Eireann on these estates.

**Resolved** on the proposal of Councillor T O'Dwyer seconded by Councillor Durkan and agreed by the members present that the report be noted and that a letter issue to the Department of Public Expenditure.

### 19/0323

#### **Construction Industry Representatives on SPCs**

The Cathaoirleach noted that as Councillor Moore could not attend he had authorised Councillor McEvoy to move this motion on his behalf

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

Following the resignations of the construction industry representatives from the Kildare County Council Strategic Policy Committees on Housing and Economic Development, Enterprise and Planning, that debate, form and promote policies for adoption into the County Development Plan, because that Plan, adopted in December 2022 and which came into effect in January 2023 did not include a higher figure of New Housing Constructions in County Kildare, during the Plan period 2023-2029, to satisfy its direct business interests, it be recommended to the Department of Housing Local Government and Heritage that this closely and directly linked association of business representatives with undeniable local business interests in such pre-planning, discussions and debates around the formation of Council planning policies, should be discontinued and a new arrangement for business representation be agreed.

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

A report from Ms A Aspell, Director of Services, Housing and Corporate Services stated that guidance with regard to establishment of Strategic Policy Committees, following the local elections in 2024, including membership, is being considered by the Department of Housing, Local Government and Heritage. The Protocol Committee are already considering aspects of the role/membership of SPCs that might be considered as part of the review, with the intention of making a submission to the DHLGH. Perhaps this motion could be referred to the Protocol Committee for consideration in this context.

Councillor McEvoy informed the meeting that Councillor Moore was happy to have this referred to the Protocol committee.

**Resolved** on the proposal of Councillor McEvoy, seconded by Councillor N Connolly and agreed by members that the report be noted and the matter referred to the Protocol and Procedures Committee.

**20/0323**

**Extension of Nitelink Services for 120 and 126 Bus Routes**

The following motion in the name of Councillor Naoise Ó Cearúil was considered by the members.

That this council writes to the Minister for Transport and the NTA to request an extension of Nitelink services to cover the 120 and 126 bus routes.

The motion was proposed by Councillor Ó Cearúil and seconded by Councillor Ward.

A report from Ms C Barrett, A/Director of Services, Roads and Transportation and Public Safety Department stated that if the members are in agreement letters can issue to the Minister for Transport and the NTA.

Councillor Ó Cearúil informed the meeting that services to Clane and Naas ceased at 11.30 where services to Maynooth practically ran through the night. Late night services were required for those working in the hospitality industry and those on shift work as an example

**Resolved** on the proposal of Councillor Ó Cearúil, seconded by Councillor Ward and agreed by the members that the letter should issue to the NTA and Minister for Transport to request an extension of Nitelink services to cover the 120 and 126 bus routes.

**21/0323**

**Twinning Process with Ukraine**

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

That each municipal district Twinning Committee select a town in their area similar in size to a town in Ukraine, as a mark of solidarity, to commence a Twinning process.

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

A report from Ms M Higgins, A/Director of Services, Community and Economic Development stated that a submission to consider a new twinning arrangement should be referred to the Twinning Liaison Committee. There are budget constraints and limited resources within Kildare County Council which will need to be considered when deciding to enter into any new twinning arrangements.

Councillor P O'Dwyer informed the meeting that the purpose of this was to show solidarity with the people of Ukraine. She understood that this would not be a normal Twinning arrangement.

She was supported in this by the members.

Members noted that this would not mean visiting towns in Ukraine but would be an opportunity to engage with them. It was suggested that after school English classes for refugees would be worth considering as a support to those here and that the members might consider the practical help that would be required when it came to rebuilding Ukraine. The Chair of the Twinning Committee advised that she would be happy to have this motion considered by the committee.

Ms O'Brien advised there are issues with budgets but that there were other things that might be considered like friendship agreements, or welcoming refugees, She would look at it.

The Cathaoirleach informed the members that there were protests in Kill over plans to accommodate refugees. This was a sad day.

Councillor P O'Dwyer advised that she would liaise with the Cathaoirleach on how best to move it forward.

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

### **22/0323**

#### **Incorporation of Childcare Facilities into an Appropriate Capital Project**

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

That the council incorporate the delivery of a childcare facility into an appropriate capital project to demonstrate potential best practice in delivery of childcare facilities where affordable childcare is a critical piece of social infrastructure in supporting young families and employment participation. Furthermore that planning applications for large employment opportunities include provision of childcare facilities in appropriate locations (maybe offsite) and similarly for all planning applications for primary school provision or other suitable state led infrastructure.

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

A report from Mr E Ryan, Director of Services, Planning and Strategic Development stated that the delivery of a childcare facility is not included in the current capital programme. While the proposal set out in the motion has merit the provision of a childcare facility is outside the remit of Kildare County Council. Such a proposal would require support and a coordinated approach from Central Government including but not limited to Department of Children, Equality, Disability, Integration and Youth, Department of Housing, Heritage and Local Government, Department of Education and CYPSC and be backed up by a specific funding stream to ensure delivery. The preparation of the LECP is also underway and it is anticipated the provision of childcare will feature.

Conditions imposed on any planning permission must be in accordance with all relevant national, regional and local policy and the provisions of the Planning and Development Act 2000 as amended and in particular the Fifth Schedule of same. There are currently no provisions in legislation or in national/regional policy which require childcare facilities be provided with applications for schools or commercial developments. The Planning Authority is therefore precluded from requiring such facilities to be provided in the absence of policy objectives/ legislation for same. However, this issue will be raised with the Department of Education at the council's Quarterly meetings to explore how this objective might be achieved.

Councillor Doyle accepted the report but advised the meeting that there is a crisis in the provision of childcare and school facilities. Legislation needed to be changed and we can be creative in pre planning suggestions and look at our own projects.

The members raised the following points

- They had suggested that Naas Library in the harbour be used as a community space when the new library opens.
- There was no uptake on developing creches for under 5's
- Creches had been planned for in Local Area Plans but had never been developed.
- Community systems have to work

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

### **23/0323**

#### **Access to Motor Tax Office Without an Appointment**

The following motion in the name of Councillor Bernard Caldwell was considered by the members.

That the council allow the public to access the motor tax office without the need for an appointment.

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

A report from Ms F Millane, A/Head of Finance stated that Kildare County Council's Motor Tax Office (MTO) is open to the public from 9:00 a.m. to 3:15 p.m. While KCC Motor Tax Office is operating an appointment system with 88 slots available per day, customers can also walk in, and they will be facilitated but customers with appointments get priority. Customers who walk in without an appointment must wait. Customers also have the option of posting in their motor tax renewals and there is currently a one day turn around on these. The feedback on the ground is that most customers prefer the booking system, as there is certainty that they can be in and out of the Motor Tax office in less than 15 minutes. It is also worth noting that a number of other Local Authorities do not have their Motor Tax offices open to the public at all including Dublin and Cork. For the members information over 90% of motor tax transactions in Kildare are carried out online. The appointment system is working and with 88 slots per day or 440 per week it is intended to continue with this system.

Councillor Caldwell accepted the report and was delighted that people dropping in to tax their cars were being facilitated.

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

### **24/0323**

#### **Process for Families Facing Eviction**

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

That Kildare County Council clarify the process for families experiencing or facing eviction e.g., assessment, emergency accommodation etc; What additional resources they will be looking to deploy, additional supports and resources Kildare County Council will be requesting from the Department of Housing to manage the expected surge in homeless families and people following the lifting of the eviction ban and when we can expect to see new measures cited by Government actually coming on stream in Kildare.

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

A report from Ms A Aspell, Director of Services, Housing and Corporate Services stated that the following is the process to be followed:

- Households experiencing homelessness or those with a notice to quit who have not sourced alternative accommodation are encouraged to contact the Homeless Team for a homeless assessment to be carried out.
- If a household is losing a rental property due to sale by the landlord, the council will consider using the tenant-in-situ acquisition scheme.
- It is acknowledged that there is a scarcity of affordable rental accommodation in Kildare, however housing applicants should search for alternative HAP accommodation. Homeless HAP support will be provided to households who qualify.

- In certain circumstances the council will consider using the priority clauses of the Allocation Scheme for Social Housing to prevent or alleviate homelessness.
- Housing applicants are encouraged to apply for Choice Based Letting properties.

The Housing Department is experiencing the same recruitment and retention difficulties as others across the local authority sector, however presently it is not our intention to seek sanction for additional resources, but we will be seeking to fill vacancies in the team and this process is underway.

Housing for All outlines the government's pathways to eradicating homelessness. In accordance with the objectives of the plan the council is:

- Meeting our Housing for All delivery targets by seeking and considering all opportunities for the delivery of new units, including Capital Assistance Scheme units for homeless accommodation.
- Creating new Housing First tenancies.
- Engaging with the Mortgage to Rent Scheme.
- Delivering our Traveller Accommodation Programme targets.
- Supporting Approved Housing Bodies to deliver Age Friendly accommodation.
- Addressing youth homelessness through engagement with Tusla and supporting approved housing bodies to provide accommodation to prevent youth homelessness eg Jigginstown Manor, Naas.
- Supporting the provision of accommodation in two family hubs.
- Delivering shared accommodation to address homelessness among the single population.
- Delivering the tenant-in-situ scheme. The council commenced such tenant-in-situ purchases in 2022 and since then has purchased, or is in the process of purchasing, a total of 39 properties.

Councillor Killeen thanked Ms Aspell for the report and explained that the motion was put to deal with no fault evictions. She was concerned about what would happen post 1 April. She pointed out that the council had provided 39 of its total of 55. She believed that the council will require significantly more than this.

She also expressed concerns about the extra pressure on staff.



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

The Cathaoirleach sought the permission of the members to take item 28, a motion in the name of Councillor N. Connolly with this motion as they were similar. The members agreed.

### **Capacity of Homeless Accommodation in the County**

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

Go dtuairisceodh an Chomhairle ar acmhainn reatha na cóiríochta do dhaoine gan dídean sa Chontae, lena n-áirítear aon bhearta breise atá beartaithe chun cóiríocht a sholáthar, lena n-áirítear tithíocht mhodúlach, do na tionóntaí sin a mbeidh díshealbhú orthu in Aibreán 2023 nuair a chuirtear deireadh leis an gcosc ar dhíshealbhú.

That the council reports on the current capacity of homeless accommodation in the county, including any additional measures planned to provide accommodation, including modular housing, for those tenants that face eviction in April 2023 when the eviction ban is lifted.

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

A report from Ms A Aspell, Director of Services, Housing and Corporate Services stated that presently the council has adequate emergency accommodation available to it, however this matter will be kept under continual review.

- If a household is losing a rental property due to sale by the landlord, the council will consider using the tenant-in-situ acquisition scheme.
- It is acknowledged that there is a scarcity of affordable rental accommodation in Kildare, however housing applicants should search for alternative HAP accommodation. Homeless HAP support will be provided to households who qualify.

- In certain circumstances the council will consider using the priority clauses of the Allocation Scheme for Social Housing to prevent or alleviate homelessness.
- Housing applicants are encouraged to apply for Choice Based Letting properties.
- The council will continue to deliver its Housing for All targets.

No direction has been received from the Department of Housing, Local Government and Heritage to develop modular housing specifically to address exits from homelessness. Work is ongoing nationally in terms of developing policies for delivery of social and affordable housing using modern methods of construction.

Councillor N Connolly questioned the figures being provided. He informed the meeting that people were emigrating because of the lack of accommodation. There were 100 families being provided with emergency accommodation in Kildare. Kildare families were being sent to Roscommon. What was the capacity and how many families were being accommodated outside the county.

**Resolved** on proposal of Councillor N Connolly and seconded by Councillor Pender and agreed by all that the report be noted.

### **25/0323**

#### **Assistance to Convert Properties into Long-Term Rentals**

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

The council acknowledges it has a responsibility in regulating short-term lets and their negative impact on long-term rental availability, and in doing so that this council allocates a short-term resource to write to short-term let providers, encouraging and assisting them to convert their properties into long-term rentals, and promoting this through Local media and social media profiles.

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

A report from Mr E Ryan, Director of Service, Planning and Strategic Development stated that the Planning and Development Act 2000 (Exempted Development) (No. 2) Regulations 2019 introduced the Short Term Letting on a formal footing into the works of the relevant Planning Authorities and are referred to as the Short Term Letting Regulations.

The regulations propose to deal with properties being let on a short term basis for in excess of 90 days in a calendar year but this is currently being reviewed by national government. Within the past three years, the Council has investigated properties that were possibly in breach of the Short Term Letting Regulations. In each case correspondence issued seeking the regulation of any short term letting activity. The correspondence issued ranged from information on the Short Term Letting exemption requirements, request for required forms, information on the process, request for further information, warning letters and termination forms. The majority of cases under examination which were closed were due to property owners deciding to cease operating and the minority of cases closed are due to the activity being covered by a planning permission or an exemption under tourism legislation. The objective of the Short Term Letting team is to proceed with regulating the remaining cases, identify, investigate and regulate new properties that may not be in compliance with the Short Term Letting Regulations. There is no provision within the current regulations for the Council to write to short-term let providers, encouraging and assisting them to convert their properties into long-term rentals, and promoting this through Local media and social media profiles.

Councillor Pender accepted the comprehensive report.

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

### **26/0323**

#### **Elected Members Appointment to Committees**

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

That the council advise of the circumstances wherein elected members are appointed to committees of the council, special committees and external bodies by means other than in accordance with standing orders and Schedule 10 of Local Government Act, 2001 and the rationale for same.

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

A report from Ms A Aspell, Director of Services, Housing and Corporate Services stated that , as members will be aware appointment to committees follows a process set out in the Standing Orders for the Regulation of Business and Proceedings at Meetings of the Council, adopted in March 2021. Standing order 26 outlines processes related to Strategic Policy Committees and 27 relates to Committees – General of the Council.

Committees of the Council and the elected members of those committees are published on our website at

[www.kildarecoco.ie/YourCouncil/YourElectedCouncil/Committees/](http://www.kildarecoco.ie/YourCouncil/YourElectedCouncil/Committees/)

The motion does not reference specific committees, however, perhaps where appointments are to be made to committees, other than those considered at the first annual meeting of the council, this matter may be most suitably addressed under the direction of the Chair of the relevant committee and/or in accordance with the relevant decision making, or governance process pertaining to such a committee.

Councillor Stafford stated that the appointment of members to a committee of the council should be done by way of a resolution of the council. This is covered Under Section 51 Schedule 10 of the Local Government Act. Nominations to seek appointments to the Brigid 1500 committee had not come before the council. Councillor Stafford informed the meeting that there was no issue with the excellent work of the committee but this was an important matter.

Ms Kavanagh advised that because of the short timeframe in setting up the committee that the Chair of the LCDC and the Chair of the Local Community and Culture SPC were asked to sit on the committee.

The elected members who sat on the Brigid 1500 committee indicated that they are stepping down in order to facilitate nominations from the council to fill these vacancies at the April meeting.

**Resolved** on the proposal of Councillor Stafford, seconded by Councillor Durkan and agreed by the members that the report be noted and that nominations to fill the vacancies be sought at the April meeting of the council.

### **27/0323**

#### **Unbuilt Residential Units with Planning Permissions**

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

That Kildare County Council outline the amount of unbuilt residential units with planning permissions that have not been commenced in Kildare. In particular permissions of over ten units.

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

A report from Mr E Ryan, Director of Service, Planning and Strategic Development stated that there is no report available in our Planning Administration system to answer a question of this nature. To give a definitive answer to this question it would be necessary to manually trawl through applications for larger developments of this size.

Any housing development can be subject to change permissions through the lifetime of five years and there is a strong chance of double counting units when this happens.

There are approx. 5,150 live active Planning Permissions for all types of development.

Commencements have been received for approx. 1,900 of these but may not be for the full development. Many of the remaining 3,250 permissions do not require Commencement Notices so this is the level of permissions that need to be examined to answer the question posed.

When a developer commences a phase of a larger development a commencement notice needs to be submitted but this just informs the Local Authority of the intention to commence but does not inform the Local Authority that the developer has actually commenced the development.

Some of the larger developments may have commenced part of the development but may be required to submit a new permission to complete if the permission expires.

This too can result in double counting. In order to provide an accurate answer to this question we would be required to assign a resource to firstly extract the relevant planning permissions but secondly to visit each site to ascertain what has actually commenced. It should be noted that Kildare County Council has granted permission for housing units over the past five years comprising.

Houses (excluding one-off houses)	9,743
Apartments	2,741
One-Off Houses	1,280
Total Units	13,974

There are also a number of Strategic Housing Developments (SHD's) awaiting decision with An Bord Pleanala. Total on these applications is a further 1,486 accommodation units comprising houses and apartments.

Councillor Clear informed the meeting that the issue of getting accurate information on how many units had been approved, how many had commenced and how many were completed was difficult. Good information was essential to assist with decision making. The councillors were doing their part by working on and agreeing LAPs

The members made the following points

- Data needed to be accurate and should be available to members.
- A Regional Matrix needed to be developed.
- A land based tax would shape peoples focus.
- Infrastructure needed to be provided to support these applications.

Ms Granville informed the meeting that data on housing completions was available on the CSO website. The information was available at reference MQ05 on the CSO site. She would demonstrate this as part of the serviced sites briefing.

EMRA also provided data on development. Post Code W91 was one of the most densely developed postcodes.

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

The meeting concluded.