

KILDARE COUNTY COUNCIL

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

Monday 30 January 2023 in the Council Chamber

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

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

On Line Councillors I Keatley and F McLoughlin Healy

Apologies: Councillors P Ward

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

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

01/0123

Bereavements

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

Danny O'Dwyer father of Councillor Tracy O'Dwyer

Catherine Walsh mother of Jonathan Walsh Transport

Les Elwood former staff member Water Services retired

Morgan Higgins fiancé of Emma Dunne Water Services

Hamish McKay, father of Colin McKay (Architectural Services

Mary Cross, Mother of John Cross, Machinery Yard Newbridge

Monica Finn former staff member Kildare County Council retired

Patrick (Paddy) Hughes, father of Darren Hughes, Water Services

Pope Benedict XVI for whom a book of condolence was opened.

A minute's silence was observed.

02/0123

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.

03/0123

Minutes and Progress Report

The council considered the draft minutes of the monthly meeting held on the 19 December 2022 together with the progress report.

Councillor Moore had submitted a request to amend the minutes

As the minutes indicate on page 4/20, Ref 07/1222, Ch 4 of 'Draft Development Contribution Scheme', he had sought 'a percentage of contributions (from the DCS) be ringfenced for Community Funds by Municipal District'. Councillor Suzanne Doyle also indicated 'she would like to see ringfencing of Community

Funds'. The Chief Executive said the Council 'could accept some ring fencing of funds'.

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

He did not agree that what he proposed was reflected in the minutes as the solution to wanting a Ring Fencing for Community Funds, as the inclusion of Community Development and Economic Development in the same fund leaves Community Development at risk of not being chosen ahead of Economic Development in an Executive decision on the use of limited or quantitative funding.

He proposed an amendment to the minutes that would read that '80% of the 30% proposed for Community Funds be ringfenced for Open Space, Public Realm, Recreation, Community Facilities, (including Land Purchase) be retained by the relevant municipal district and that 80% of the 10% for Economic Development be likewise allocated.

This would ensure that Community Development and Economic Development are not treated as the same fund and are treated separately within own MD ringfenced funds.

It would also ensure a) that Community Development would receive 24% b) Economic Development at 8%, would now be included at each MD level c) that the remaining 8% of all Community and Economic Development Funding is pooled to a County Level 'Community & Economic Development Fund'.

He hoped this clarified what he was seeking.

Following discussion

Ms Kavanagh explained that there was a difference of opinion on what was proposed and agreed by the members at the December meeting. What was proposed and agreed was that 40% of levies collected were for Community, Economic Development, Open and Recreational Spaces, and Environment and of that 40% collected under those 5 Categories, 80% of that is ringfenced for use by municipal district with the balance being used on a countywide basis

After discussion Councillor Moore accepted that the minutes reflected what was agreed but he was disappointed that what he had been seeking was not what was proposed. He felt that he had let his constituents down.

He reluctantly accepted that the minutes reflected what was proposed and agreed.

Resolved on the proposal of Councillor Breslin, seconded by Councillor Hamilton and agreed by the members present that the minutes of the monthly meeting on 19 December 2022, be adopted as presented. Councillor McLoughlin Healy asked that her objection be noted

The progress report was noted.

04/0123

Chief Executive's Monthly Management Report

The members noted the Chief Executives monthly management report.

05/0123

Section 85 Agreement with Dublin City Council

The members considered pursuant to Section 85 of the Local Government Act 2001 as amended, the approval of a Section 85 Agreement with Dublin City Council, whereby Dublin City Council will carry out all of the functions for Kildare County Council in respect of the Social Housing PPP (Bundle 5) Programme.

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

Resolved on the proposal of Councillor Moore seconded by Councillor Breen and with the agreement of the members present that the approval of a Section 85 Agreement with Dublin City Council, whereby Dublin City Council will carry out all of the functions for Kildare County Council in respect of the Social Housing PPP (Bundle 5) Programme be approved.

06/0123

Quarterly Update on Climate Action

The members considered the quarterly report to council on climate action and initiatives across the organisation. Mr Boland informed the members that a comprehensive report had been circulated to them. He highlighted a number of key areas. The new guidelines for Climate Action Plans should be signed off by the Minister on the 6 March 2023. The Council will then have 12 months to produce a Climate Action Plan which links in with Government Policy.

He informed the members that this plan will link to Economic Development Funding. The third conference of the Climate Action and Economic Opportunities project steering group convened under the Business, Tourism, Enterprise, Innovation and Urban/Town Economic Renewal (BTEIUR) Committee of the CCMA is planned to take place on Wednesday, 26 April 2023 (9.30am - 4pm) in the Tullamore Court Hotel, Tullamore, Co. Offaly.

He drew the members attention to re-imagining Local Authority fleet. The local authorities were one of the largest fleet owners in Ireland and were looking at the long term development of this. The setting up of the bureau agreement with SSAI Pathfinder. The position of the Climate Action Officer, Community Climate Action Officer and Energy Efficiency Officers had been advertised.

There has been excellent community engagement and he thanked the municipal district committees for their support. In response to a query he informed the members that the council will have to match funding received from Pathfinder.

He acknowledged the work of the Climate Action Regional Office and the support of the members

The report was noted.

07/0123

Gnó an Cathaoirleach/Cathaoirleachs Business

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

10 January JPC Message Alert Briefing

12 January Solas Bhride Pause for Peace Launch

14 January Maynooth Autism Friendly Town Launch

17 January Celbridge Age Friendly Town Launch He acknowledged the work of Councillor Íde Cussen and former Councillor Kevin Byrne on their work with support from their colleagues and council staff member Carmel Cashin was acknowledged.

He had met the Taoiseach on a visit to South Kildare at Solas Bhride. The Taoiseach was promoting Kildare Tourism and recording a video piece launching “Pause for Peace” on Wednesday 1 February at 12 noon.

08/0123

Comhfhreagras/Correspondence

The Meetings Administrator confirmed eight items of correspondence comprising of motion referrals from other local authorities had been circulated to the members along with the progress report.

They were

Resolution from Cork County Council re Reintroduction of Income Tax Credit Scheme for Personal Health Insurance cover.

Resolution from Cork County Council re Concerns at the Proposed Planning & Development Bill.

Resolution from Cork County Council re Local improvement Scheme.

Resolution from Monaghan County Council re Sensitive Procedures to avoid the Retention of a Baby's Organs at a Post Mortem without Parent Permission.

Resolution from Meath County Council re Implementation of Nuclear Power Generation in Ireland.

Resolution from Cork County Council re Uber being Allowed to Operate in this Country.

Resolution from Leitrim County Council re Voting Rights for Irish Citizens Abroad.

Resolution from Cavan County Council re Provision of Long Covid Clinics be retained and expanded.

The Meetings Administrator also reminded members that Political Donation Statements 2022 were due. The deadline for receipt of these was 31 January.

Ethics Declarations had been circulated and were due to be completed and returned by 28 February

The correspondence was noted.

09/0123

Conferences and Training

The meetings administrator sought retrospective approval for these training events. Details had been received too late for inclusion on the appropriate council agenda

Training	Details	Host	Venue	Date	Councillors Attended	Fee Contribution
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Module 5 "Disability and Inclusion"	"Disability and Inclusion"	AILG	The Brehon Hotel, Killarney, Kerry	22 October 2022	** Cllr Brett Cllr Neville	€70 plus travel and Subs
LAMA Autumn Seminar	Autumn Seminar	LAMA	Four Seasons Hotel, Coolshannagh, Monaghan	9-11 November 2022	Cllr Caldwell Cllr Neville	€160 plus travel and Subs

The Meetings Administrator sought approval for the following upcoming events

Training	Details	Host	Venue	Date	Councillors Attending	Fee Contribution
AILG	Module 1 (In-Person) - 'A Briefing on the Electoral Reform Act'	AILG	TBC	23 Feb 2023	Cllr Pender	€70 plus travel and Subs
AILG	AILG-OPR Webinar 1: Preparing and Making Local Area Plans: Driving Urban and Rural Regeneration	AILG	Webinar	24 Feb 2023 (10-11.30am)	Cllr Pender	To Follow
LAMA	LAMA Spring Seminar	LAMA	West Lodge Hotel, Bantry. Co. Cork	02-04 March 2023		To follow
LGMA Conference Event	Climate Action Economic Opportunities	LGMA	Tullamore Court Hotel, Tullamore. Co.Offaly	26 April 2023 9.30-16.00		To follow
AILG	AILG 2023 Annual Training Conference	AILG	Hotel Kilkenny, College Road Sugarloaf Hill, Kilkenny	19 and 20 April 2023	Cllr Kelly	To follow

The Meetings administrator sought approval for the Further Education Course subject to the members being approved to attend by the course organisers

Course	Host	Venue	Overall Cost of Course	Councillor Requesting approval	Contribution (50% of fees subject to a max of €1,500)
Certificate in Continuing Professional Development in Climate Crisis and Local Government	UCC	Remote	€ 525	Colm Kenny Vanessa Liston	50% Payment from Council on successful completion of course

Councillor Robert Power reminded the members that approval had been given for a training event being organised by Association of Irish Regions for the 7 to 9 March in and encouraged them to put forward their names for approval to attend this event

Resolved on the proposal of Councillor Brett, Seconded by Councillor McEvoy and agreed by all councillors that the events be approved

10/0123

Welcoming of Displaced Persons

The following motion in the names of Councillors Anne Breen, Aoife Breslin, Noel Connolly, Íde Cussen, Fintan Brett, Aidan Farrelly, Angela Feeney, Ciara Galvin, Colm Kenny, Nuala Killeen, Mark Leigh, Vanessa Liston, Pádraig McEvoy, Fiona McLoughlin Healy, Peggy O'Dwyer, Chris Pender and Brendan Wyse was considered by the members.

That the elected members support new and existing groups in County Kildare that welcome displaced persons, and the council highlights the partnerships and services available to empower inclusive communities responding to the challenge.

Furthermore, that the elected members endorse the Irish Refugee Council's recommendation to appoint a national refugee response director to coordinate increased investment in suitable accommodation with trained personnel and appropriate support.

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

A report from Ms M Higgins, A/Director of Service, Economic Development and Community and Culture stated that Kildare County Council Community Department partner with a number of organisations to welcome displaced persons from around the world. Through the Emergency Response Forum, Kildare County Council Community department have strong connections with both statutory and voluntary community organisations who are taking an active role in empowering communities as they support and welcome displaced persons into our county.

One of the key collaborations established since the Ukrainian crisis is funded by the Department of Rural of Rural and Community Development through the Social Inclusion and Community Activation Programme (SICAP) which is run by County Kildare Leader Partnership and overseen by Kildare LCDC. Funding of €100,585 was provided in 2022 and this has continued to 2023 (€170,973). The funding supported the appointment of a dedicated project coordinator, translation services and other supports such as transport and activities. Kildare County Council work closely with the co-ordinator on various initiatives.

In addition, there is an integration co-ordinator to oversee the implementation of the Kildare Integration Strategy also employed through SICAP programme in County Kildare Leader Partnership. This integration programme links into Kildare LCDC and is another key partnership to empower inclusive communities. Kildare County Council is an active member on the Kildare Integration Committee.

Kildare County Council community development workers are at the forefront in working with organisations and local communities to promote integration. Our community team have hosted a number of networking events for people from different ethnicities and new community backgrounds to ensure that everyone is heard. Our Libraries, Arts and Sports Partnership teams run a number of programmes to promote integration in the county. Additional training will be provided across Kildare County Council to prepare the organisation in its response to the varied experiences in order to support integration.

The LECF is currently being developed and actions that support and empower communities to strengthen their inclusiveness will be a strong consideration.

It is a matter for elected members to endorse Irish Refugee Council's recommendation to appoint a national refugee response director to coordinate increased investment in suitable accommodation with trained personnel and appropriate support.

The members supported the motion and raised the following points

Local Councils need to be involved and informed about plans to integrate refugees.

A lot of good work was being done locally to integrate refugees by volunteer and community groups.

Long term support was needed.

Training and guidance documents need to be provided

Disinformation was being spread by a vocal minority and needs to be challenged.

There was a need to focus on the positives.

Excellent work had been carried out by LCDC.

There was a need to do better with early interventions on social media campaigns.

Resolved on the proposal of Councillor Breslin seconded by Councillor Breen that the report be noted and agreed by all that they endorse the Irish Refugee Council's recommendation to appoint a national refugee response director to coordinate increased investment in suitable accommodation with trained personnel and appropriate support.

11/0123

Projected Number of Housing Acquisitions for 2023 to 2025

The following motion in the names of Councillors Brian Dooley and Veralouise Behan was considered by the members.

Recognising the enormous efforts of the housing section and the targets being met, that the council provide a report on the projected number of housing acquisitions for 2023 to 2025 and a breakdown of the mechanism for their delivery.

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

A report from Ms A Aspell, Director of Service, Housing and Corporate Services stated that the Council currently has sanction to purchase homes up to the end of June 2023 for the following priority categories:

- One-bedroom units to deliver on Housing First and meet the short supply in this category.
- Other properties that allow persons/families to remain in their current homes to prevent homelessness; and,
- Specific housing required for/suitable for individuals with a disability or other particular priority needs.

As the sanction to purchase second hand properties does not extend beyond June 2023, it is not possible to provide a projection beyond this date, the number which will be purchased depends on:

- The number of properties which match the categories listed above.
- The property meeting the needs of the household residing in it.
- The purchase price agreed with the vendor complying with the unit cost ceilings laid down by the Department of Housing, Local Government and Heritage.

A total of 35 second hand properties were purchased in 2022. The council is committed to delivering this acquisition programme to prevent homelessness and provide for priority groups.

Councillor Hamilton enquired if it were possible to extend the deadline beyond June 2023

Ms Aspell informed the members that while the priority was to build homes, if the deadline was extended she would work with the department and did not see an issue.

Ms Aspell informed the members that the focus was on building units and meeting targets to 2026.

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

12/0123

Projected Costs for Outstanding Issues in Estates Not Taken in Charge

The following motion in the names of Councillors Paul Ward and Michael Coleman was considered by the members.

That the council provide a report on projected costs for addressing outstanding issues in estates not taken in charge, what provisions are there to meet these costs and considering the level of construction activity in the county at present, what means are being deployed to prevent similar levels of issues arising in the future.

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

A report from Ms C Barrett A/Director of Services, Roads Transportation and Public Safety stated that the Development Control Section of Kildare County Council are currently developing a costed remediation plan for all legacy estates within the County with a valid Taking in Charge Request. It is anticipated this plan will be completed by Q2 2023. There is no central government fund to address such estates and therefore it is likely that cost of remediating such estates would have to be met by Kildare County Councils own resources with assistance from councillors through LPT funding.

In relation to preventing similar situations occurring in the future Kildare County Council now has a well-resourced and staffed Building and Development Control Section. This section agrees a bond provision with developers in advance of construction as surety against the delivery of public infrastructure within residential developments. The section also monitors construction activity and ensures compliance with planning and development control requirements through on-going announced and unannounced site inspections.

Councillor Coleman Informed the meeting that as the costs were not available, he wished to adjourn the motion until they were available. This was agreed by all.

Resolved on the proposal of Councillor Coleman, seconded by Councillor Ó Cearúil and agreed by the members present that this motion be adjourned until the costs were available

13/0123

Review the Capital Programme

The following motion in the names of Councillors Anne Connolly and Bernard Caldwell was considered by the members.

That having recently adopted a budget and a new levies scheme, the council convene a special meeting of council to review the capital programme.

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

A report from Ms F Millane, A/Head of Finance stated that the Capital Programme was noted at the Statutory Budget Meeting in November. At the time the Chief Executive informed the Members that a full discussion on the capital programme for each Municipal District should take place at least once a year and that if that process was not working that she will review. It is recommended, therefore, that the Municipals District committees table this item for discussion at Municipal District meetings, which the relevant Directors and senior staff will attend.

Councillor A Connolly accepted the report but asked that a special meeting of the Plenary Council take place to discuss the Capital Programme..

The members supported the call to have the meeting and discussed if the Plenary meeting should take place prior to the discussions at Municipal District meetings.

The meeting was informed that Roads, Public Realm and Parks Departments planned to discuss capital projects at the March meeting of the Municipal District.

Councillor Doyle asked if there was a software solution that would present the information on Capital schemes in a business format.

Ms Kavanagh informed the members that she had no difficulty with their request but had concerns at what was happening at Municipal District level. The Capital Programme was a county wide programme

Resolved on the proposal of Councillor A Connolly, seconded by Councillor Caldwell and agreed by the members present that a special meeting of full council be organised to discuss the Capital Budget Programme.

14/0123

Funding From Central Government

The following motion in the names of Councillors Naoise Ó Cearúil and Suzanne Doyle was considered by the members.

That given the level of funding the council now compete for from central government, that the council provide a report on the number of applications it has made in the years 2021 and 2022, the outcome of these applications, how it is determined which lines of funding to apply for and furthermore that the council develop a mechanism to ensure that these projects align with the councils list of priority schemes and projects and that it is proofed for equitable investment across the county.

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

A report from Mr E Ryan Director of Services, Planning and Strategic Development stated that the Capital Programme 2023-2025 will see investment of €764m across Kildare. Progress of the projects outlined in the programme is dependent on the availability of funding from the exchequer/EU, development contributions or council's own resources. Funding from other sources must be committed prior to commencement of any of the listed projects.

Funding grant applications submitted to various Government departments are wide ranging, often complex and detailed. The basis for determining applications rests with the actions set out in strategies and plans adopted by this Council, such as the County Development Plan, Local Area Plans, County Heritage Plan, County Biodiversity Action Plan.

The following appendices provide a list of projects for which funding applications were completed and submitted during the years 2021 and 2022.

Appendix A: SPPR Projects

Appendix B: Community Department

Libraries & Arts

Economic Development

Parks Department

Appendix C: Active Travel Grants 2021/2022

Appendix D: Central Government Funded Roads Projects

Appendix E: Arch Conservation Office 2022

Appendix F: Heritage Office 2022

Appendix G: Environment Grant Funding 2021/2022

Appendix A provides a detailed list of SPPR projects for which funding applications were submitted. In 2021 all Town and Village applications were successful. In 2022, all but 3 projects were successful.

The Director of Services Planning & Strategic Development will meet with each MD separately in February/March to discuss the priorities for their respective areas. This will further assist the equitable distribution of projects and funding across the county.

Appendix B gives a very comprehensive list of the successful funding applications completed by Community/Libraries & Arts/Economic Development and Parks. The final column indicates the policy/strategy to which the application is aligned.

Appendix C sets out the Active Travel projects for 2021/2022, selected by the National Transport Authority (NTA) and aligned with the GDA Transport Strategy. The selection of projects and determination of funding lies solely with the NTA.

The identified roads projects set out in *Appendix D* are key objectives of the County Development Plan. As they are funded by Central Government (usually Roads Design Schemes are funded by the Department of Transport) agreement to proceed by the DoT will depend on what they see as national priorities within the NDP.

The two schemes being funded by the DHLGH (CHLR-URDF and MERR-LIHAF) are being funded based on a return of urban regeneration / housing. Again, as central funding, the DHLGH will decide on priorities in the national context.

The Bridges are prioritised on an EIRSPAN classification which rates bridges in terms of remediation needs.

Below is a summary of some of the funding streams available and their objective:

Scheme	Department	Outline
Town & Village Renewal	Department of Rural & Community Development	Aim: to revitalise town and villages; improving living and working environment activity into the future. Approved projects include employment initiatives, tourist amenities and other measures.
Rural Regeneration and Development Fund	Department of Rural & Community Development	The RRDF provides investment to support suitable projects in towns and villages with a population of less than 10,000, and outlying areas, which will deliver on the National Strategic Objective of Strengthened Rural Economies and Communities and achieve sustainable economic and social development in these areas.
Urban Regeneration and Development Fund	Department of Housing, Local Government & Heritage	The aim of the URDF is to stimulate new residential and commercial development in our larger cities and towns. These new developments will be supported by new services and amenities and will help us to achieve the 'compact growth' that was set out in Project Ireland 2040.
LEADER programme for Rural Development	Department of Rural and Community Development	LEADER supports private enterprises and community groups who improve quality of life and economic activity in rural areas.
National and Regional Greenway Fund	Department of Transport, Tourism and Sport	Objective being to assist in the strategic development of nationally and regionally significant Greenways
Outdoor Recreation Infrastructure Scheme	Department of Rural and Community Development	The Outdoor Recreation Infrastructure Scheme provides funding for the development of new outdoor recreational infrastructure. It also provides support for the

		necessary maintenance, enhancement or promotion of existing outdoor recreational infrastructure in rural areas across Ireland. The scheme supports sporting and recreational pursuits. It helps to make use of the resources of the countryside that contribute to healthy active lifestyles.
Sports Capital Programme	Department of Transport, Tourism and Sport	The Sports Capital Programme is the primary vehicle for Government support for the development of sports and physical recreation facilities and the purchase of non-personal sports equipment throughout the country.
Local Improvement Scheme	Department of Rural and Community Development	The LIS provides funding to help local authorities carry out improvement works on private and non-publicly maintained roads. Criteria for the Scheme is set by the Department and administered by KCC.
Community Enhancement Fund/Programme	Department of Rural and Community Development	The Community Enhancement Programme (CEP) provides capital funding to community groups across Ireland. The fund allows groups to enhance facilities in disadvantaged areas.

The members welcomed the comprehensive report and suggested that this report should be included in the discussion at the Special Meeting of the council agreed previously.

They raised the following.

They were seeking equitable distribution of grants and feared some areas were losing out.

Distribution of grants should align with population.

Kildare County Council received 11% of funding and were doing a lot with very little.

Funding opportunities might have been missed because of lack of resources.

Consulting with Community groups would give huge benefits and allow the council to develop bottom up projects.

Mr Ryan informed the members that projects were delivered where funding was available, there were on average two to three projects per municipal district, some municipal districts would have more than that. On occasions the council is presented with opportunities at very short notice but don't always have the time to turn these around. Projects are organised in a coherent and discernible manner.

Resolved on the proposal of Councillor Doyle seconded by Councillor Ó Cearúil and agreed by the members present, the report be noted.

15/0123

Dog Warden's Role and Responsibilities

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

That the council provide an overview of the Dog Warden's role and responsibilities; key contacts for each municipal district area, communication strategies being implemented regarding the control of dogs in public places, processes for reporting incidents, recording and monitoring and fines applicable to legislative breaches.

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

A report from Mr J Boland, Director of Service, Environment, Water Services and Climate Action stated that the ISPCA provides a dog warden service (employing two wardens) on behalf of Kildare County Council and its personnel work closely with other agencies including An Garda Síochána.

The council has established and maintains a pound for dogs seized, accepted or detained under any of the provisions of the Act. This facility, which was recently upgraded, and the dog warden service, are based at Portersize Ballitore and can be contacted at Tel: (059) 8623388.

This is the contact number for the county and not for specific municipal districts. Incidents can be reported directly to the warden at this number.

If there are public places of particular concern to the councillor, the warden can be requested to carry out a regular patrol of these areas.

The warden's role and responsibilities include:

- Deal with queries and complaints from the public, court cases etc.,
- Investigate complaints from the public and the Gardai in relation to dogs
- Work in close co-operation with Gardai in relation to matters pertaining to control of dogs
- Co-ordinate activities in relation to the control of stray animals and the operation of the county pound
- Inspection of dog kennels

The primary legislation in this area is the Control of Dogs Act 1986. The Department of Rural and Community Development has policy and legislative responsibility for the area of Dog Control in Ireland. Certain aspects of this legislation have been in place for a significant number of years and views have been put forward that changes are required.

Under the Act, a dog warden may take all reasonable steps to seize and detain any dog that appears to the warden to be a stray dog and may enter any premises (other than a residence) for such purposes.

A member of the Garda Síochána similarly may also seize and detain any dog that appears to be a stray dog.

A dog warden has powers:

- where there are reasonable grounds for believing that a person is committing an offence to request the person's name and address
- to seize and detain any dog in order to ascertain whether an offence is being or has been committed and may enter any premises (other than a residence) for such purposes
- to enter any premises (other than a residence) for the purpose of preventing or ending an attack by a dog on any person, or the worrying of livestock

- request any person who owns, is in charge of, or is in possession of a dog to produce a dog licence within ten days of the date of the request.

In 2021 the number of strays entering the pound, ie surrendered / seized, was 78. Of this number, 46 dogs were reclaimed/rehomed and 31 were transferred to dog welfare groups.

All dogs must be kept under effectual control when in any public place i.e. street, road, park etc.

Certain breeds must always be leashed, muzzled and accompanied by a person over the age of 16 years when in a public place.

A person guilty of an offence under the Act is liable on summary conviction to a fine not exceeding €2,500 or to imprisonment for a term not exceeding 3 months or to both.

The owner of a dog is liable for damages caused in an attack on any person by the dog and for injury done by it to any livestock.

With regard to dangerous dogs, where a complaint is made to the District Court by any interested person that a dog is dangerous and not kept under proper control, the Court, in addition to any other penalty which it may impose, may order that the dog be kept under proper control or destroyed.

In April 2022 the Minister for Rural and Community Development published the consultation report on '*A review of measures relating to the control of dogs in Ireland*'. This report followed a public consultation to which over 1,000 responses were received.

As a result of this review, the Department considers that there is a need to further promote a culture of responsible dog ownership in Ireland and has outlined measures regarding how it proposes to do so. This includes supporting information campaigns regarding responsible dog ownership and processing measures involving primary and secondary legislation.

The information / educational campaign being considered by the Department may include communications relating to licensing, control of dogs in general and within

rural areas, appropriate people interaction with dogs, etc. Kildare County Council has previously run media campaigns promoting dog licensing and plans to repeat this over the course of the year.

While dog fouling falls under the Litter Pollution Act, the Department intend to highlight the issue as part of the proposed information campaign.

The Department is examining the possibility of introducing a mechanism within primary legislation through which Local Authorities could issue notices (separate to the existing process which involves the court system) when there is an issue with an individual dog.

The Department is also looking at giving enforcement powers under the Act to, for example, park wardens, wildlife rangers, Coillte staff and others responsible for overseeing public lands.

Councillor Duffy thanked Mr Boland for the report and informed the members that dogs should be kept on leads. Socialising and puppy training were important parts of a dog's development. He also advised that dogs can bring great joy but also brought responsibility. The members raised the following points

The dog warden needed to patrol the blue and greenways.

Dog owners need to understand that they have responsibility to obey the rules.

Does dog licence fees come back to the council.

Mr Boland agreed that Dog owners need to take responsibility for their dogs. He also informed the members of the investment in the Dog Pound and confirmed that the licence fee does come to the council but the revenue did not meet the cost of providing the service

Resolved on the proposal of Councillor Duffy, seconded by Councillor Durkan and agreed by members that the report be noted

16/0123

Sustainable Way for Pupils to Get To and From School

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

That the council undertake an initiative in each Municipal district before the commencement of the next school year, to establish and promote a new sustainable way for pupils to get to and from school.

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

A report from Ms C Barrett, A/Director of Service, Roads Transportation and Public Safety stated that the Safe Routes to School (SRTS) Programme has been developed by the National Transport Authority in partnership with *An Taisce's* Green Schools in 2020. Details of the programme are published at www.nationaltransport.ie/safe-routes-to-school-srts-programme/.

The Council supports this programme and acts as the implementation body for this work which is funded by the Department of Transport. There are no plans to duplicate the work coordinated nationally for this programme.

Councillor Heavey informed the members that this motion went back to an earlier motion he had submitted and he believed that the this was a top down approach from central government with councils expected to implement this policy locally. He was disappointed with this and asked if it was possible to identify sites to implement safe ways for students to use to get to school.

The members made the following points

A strong message needed to be sent out on active travel e.g. If An Garda Síochána used bicycles to patrol areas that would send out a positive message on active travel

How do the councillors identify sites for a pilot

How do the community come up with solutions as the available data showed all of what is good about walking or cycling to school.

Ms Barrett informed the meeting that this was a bottom up approach. It was built on guidelines from the NTA. It was important to note what An Taisce were doing and to work with them. Improving footpaths and improving infrastructure was part of it. This programme was funded from central funds Schools needed to get involved. Covid had delayed this.

Councillor Heavey thanked the members for their input and support and informed the meeting that he was going to talk to some local schools about the programme.

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

17/0123

Active Travel Forum

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

That the council outline plans for the Active Travel Forum that is to replace the Cycle Forum which last met in 2018, including the terms of reference and who will sit on this forum.

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

A report from Ms C Barrett, A/Director of Service, Roads Transportation and Public Safety stated that the Draft Terms of Reference for the Kildare Sustainable Transport Forum were circulated at the Roads, Transportation and Emergency Services Strategic Policy committee in May 2021. The role of the Forum is:

- To promote and support more sustainable forms of travel including walking, cycling and public transportation.
- Positively influence policy formulation and policy improvements regarding sustainable travel.
- Identify key barriers to the provision of sustainable travel and look for solutions to address these barriers.
- To provide an interface between the users of sustainable transport and local transport infrastructure providers and policy makers.

It was agreed that the Forum would be a sub-committee of the SPC and was open to representatives of organisations concerned with sustainable transport, and the sustainable development of Kildare who support the objectives of the Forum.

Organisations may apply to the Chairperson of the Sub Committee for named individuals and substitutes to be part of the Sub-Committee. The Sub-Committee may include:

- Elected representatives (One member from each municipal district)
- Council officials
- Cycling champion / advocacy representative / business representative
- Local Link representative
- Local Transportation providers
- Walking advocates and clubs
- An Garda Síochána
- State Agencies (e.g. NTA, RPA, DTTS, RSA)
- Chambers of Commerce representatives
- Health Sector
- Educational and academic institutions (universities, colleges, schools)

Membership of the SPC and Forum would differ except for the Chairperson and Council officials to ensure a wide variety of thoughts and ideas.

It is intended that the Committee will be established by the end of Quarter 3 2023. Councillor Clear informed the meeting that the Cycle Forum had been disbanded in 2018. It was not a committee of the council. It would assist in meeting our Climate Action targets.

He was why was it taking so long to get the forum up and running? And was it possible to bring the date forward

Ms Barrett informed the meeting that nominations had been sought and were awaited from the PPN..

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

18/0123

Active and Sustainable Transport Plans in The County

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

That the council provide a report on the active and sustainable transport plans across the county, including 2023 funding requests submitted to the NTA, obstacles that are preventing progress with designs, part 8 preparation and continuity of funding of the projects to enable the council to both secure and spend the best possible share of the funds available for Kildare.

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

A report from Ms C Barrett, A/Director of Service, Roads Transportation and Public Safety stated that an announcement by the Minister of Transport regarding the NTA's Active Travel Grants for 2023 is expected at the end of January.

With regard to funding requests, the Council reports monthly to the NTA regarding current and future funding requirements and our ambitious programme of works requires significant additional resources to maintain the progress made in recent years.

In 2022, the Council had a drawdown of €9.7M and compares to a figure of €3.3M in 2021. Risk management is included in our monthly reporting to the NTA and issues relating to continued funding of schemes through the entire design and construction process, procurement of service providers, stakeholder engagement and staffing resources are regularly reported.

Councillor Hamilton asked that the Council seek to maximise its share of the €600 million funding available. The forthcoming announcement was for €300 million. He hoped that Kildare could increase their share each year.

Ms Barrett advised that the council had very ambitious plans and expected to get the same as it had received in 2022.

Councillor Hamilton asked how the council can be expected to deliver with less funding. He complimented the team that was in place and stressed the importance of managing expectations.

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

19/0123

Invitation to NTA to meet with Councillors

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

That Kildare County Council, with members agreement, request the NTA meet with Councillors to discuss 2023 funding plans for County Kildare.

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

A report from Ms C Barrett, A/Director of Service, Roads Transportation and Public Safety stated that this is a matter for the members.

Councillor T O'Dwyer explained that two pedestrian crossings approved in 2022 for Kildare Newbridge municipal district had the funding withdrawn for these in 2023, She was seeking clarity around this decision. She requested that the NTA be invited to come and meet the councillors.

The members raised the following;

The council cannot take a backward step on it's active travel plans

The NTA were revising local authority plans and concentrating on the greater Dublin Area

When projects were identified by the executive and elected members if funding was not provided the NTA needed to be accountable.

Ms Barrett informed the members that the NTA had very ambitious plans for the country. Local Authorities prioritised their schemes in line with NTA plans and submitted them to the NTA for consideration. The NTA then assessed the scheme and determined if the scheme was funded. It was the logical way to do this.

Councillor T'O Dwyer replied that the council relied on the NTA to fully or partially fund schemes and it was important to see both sides of the story.

Resolved on the proposal of Councillor T O'Dwyer, seconded by Councillor Duffy and agreed by the members that a letter issue to the NTA inviting them to meet with the members.

20/0123

LEO Linked Work Hubs/Co-Working Spaces

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

That the council provide a list of Kildare Local Enterprise Office (LEO) linked work hubs/co-working spaces in the County including the average price per day per person at these locations.

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

A report from Ms M Higgins, A/Director of Service, Economic Development and Community and Culture stated that the attached Kildare Hub Strategy document was circulated and adopted by full Council and contains all the information on the council's private and public hubs.

These are the Daily Rates for Kildare Co-Working Hubs.

- Note Daily rate is not offered in all Hubs, the user has 6 options to choose from.
- Average price per day is €25 for a Hot Desk.

There will be a dedicated website called Innovate Kildare which the council hope to have live in Q2 2023. This information will be there as well.

Co-Working Hubs Price List - daily			
<u>Name</u>	<u>Location</u>	<u>Public/Private</u>	<u>Hot Desk</u>
Venture House	Crookstown	Private	€15.00
Osprey	Naas	Private	€30.00
The Hub Ballymore	Ballymore	Private	€20.00
Chamber of Commerce	Naas	Private	€25.00
Merits	Naas	Public	€30.00
National Equine Innovation Centre	Kildare Town	Public	.
ACDAL	Allenwood	Public	€25.00
Newbride Business Centre	Newbridge	Private	.
Business barn	Lexlip	Private	.
			Average: €25

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

21/0123

Active and Sustainable Transport Plans in The County

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

That the reserved function of municipal district members to adopt new place names be immediately put into operation in view of the tide of new place names, un-associated with local heritage, history or the vernacular in our municipal districts, being approved by planners.

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

A report from Mr E Ryan Director of Services, Planning and Strategic Development stated that the motion refers to the Reserved Function, which relates to the Local Government Act, 2001 and there are various sections that relate to the changing of names of towns, streets and localities. Section 196 (5)(a) of that Act refers to the general provision relating to change of names and states that the Minister may by regulations make provision in respect of the change of name of a town, townland, non-municipal town, street or locality.

Naming of residential developments is a condition of planning, has an 8 week compliance turnaround time and is not a reserved function. The current and draft County Development Plan 2023-29 (Section 15.4.15) contains a section on the Naming of Residential Developments which shall reflect local heritage by incorporating local placenames or the names of geographical, historical or cultural significance to the site location and the Council promotes and encourages the use of the Irish language for the naming of new residential developments in the County. The Planning Authority welcomes any submissions or representations in relation to any proposed planning application and it is open to the elected members or the public to suggest names that they feel might be more appropriate.

Councillor Moore informed the meeting that the names of new estates was an important part of the heritage and history of an area. Councillors had a role to play in changing estate names but not in selecting them. He believed that councillors at municipal district level should have a role in this. He was prepared to work with the council and officials on this

The members raised the following points.

Names had been used that could not be translated to Irish.

Names for developments could be suggested when lands were zoned.

The same names were being used in various estates

How could existing estate names be changed

Members at municipal district level would have local knowledge to help in this process.

How do other local authorities deal with the naming of new developments.

Mr Ryan informed the members that he would be happy to explore this through the Planning and Economic Development SPC.

Resolved on the proposal of Councillor Moore, seconded by Councillor Ó Cearúil and agreed by the members that this item be referred to the Planning and Economic Development SPC for

The meeting concluded.