



**Minutes of meeting of Full Council held at 3:00 p.m.
Monday 26 February 2024 in the Council Chamber
Áras Chill Dara, Devoy Park, Naas, Co Kildare**

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

Online: Councillors P Curran, B. Dooley, F. Mcloughlin Healy and C Pender.

Apologies: Councillor K Duffy

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

The Cathaoirleach proposed to suspend standing orders for 15 minutes in order to finish a presentation by Maynooth University. This was seconded by Councillor Doyle and agreed by the members.

The Cathaoirleach then proposed to suspend standing orders for a further 15 minutes



and to commence the meeting at 3.30 p.m. This was seconded by Councillor Durkan and agreed by all members present.

The meeting commenced at 3.30 pm.

The Cathaoirleach welcomed everyone to the February meeting of the Council.

01/0224

Declaration of Interests

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

02/0224

Minutes and Progress Report

The council considered the draft minutes of the special meeting held on 09 January 2024, the monthly meeting held on 29 January 2024 and the progress report.

Resolved on the proposal of Councillor McEvoy seconded by Councillor Caldwell and agreed by the members present that the draft minutes of the special meeting held on 09 January 2024 be adopted.

Resolved on the proposal of Councillor N. Connolly seconded by Councillor C. Kelly and agreed by the members present that the draft minutes of the monthly meeting held on 29 January 2024 be adopted.

The progress report was noted.

03/0224

Chief Executive's Monthly Management Report

The members noted the Chief Executives monthly management report.



04/0224

Section 141 Reports from Other Bodies

The members considered reports from members appointed to other bodies pursuant to Section 141 of the Local Government Act 2001, as amended. The following report was received at the February meeting.

- Kildare Fáilte

The Cathaoirleach asked that the members direct any questions they had on the report to the members appointed to the relevant body.

The report was noted.

05/0224

Gnó an Cathaoirleach/Cathaoirleachs Business

The Cathaoirleach congratulated and commended the Brigid 1500 team on their success, saying each event ran very smoothly, they were all well supported and it brought the county together.

The Cathaoirleach thanked all staff and organisations who worked hard in the background across numerous events around the county and expressed his huge gratitude to Paula O'Brien and Katie Lane who he said stepped up and went above and beyond to make these events a success. He presented them both with a gift on behalf of the members.

The Cathaoirleach attended the LAMA awards in Dublin and the opening of Annes Street Community House in Prosperous. He thanked Doreen and Keith on their work and said that this was a great initiative. Since its opening, anti-social behaviour was on the decline. He suggested that this type of initiative be looked into in other parts of the county.



06/0224

Comhfhreagras/Correspondence

The Meetings Administrator confirmed one referral from Wexford County Council which had been circulated to the members along with the progress report.

The Meetings Administrator reminded the members that Ethics Declarations under Part 15 of the Local Government Act 2001 as amended needed to be completed and returned by the end of the day.

The correspondence was noted.

07/0224

Conferences and Training

The Meetings Administrator referred to the conference and training report which had been circulated to the members and looked for approval for the following conference, Local Authorities Supporting Tourism, locally regionally and nationally at the Kiltash Hotel, Naas on the 18 and 19 April at a cost of €220 plus travel and subsistence. Councillor Doyle requested approval to attend.

Resolved on the proposal of Councillor McEvoy seconded by Councillor Moore and agreed by all that the conference be approved. Councillor Doyle's request to attend was also approved.

The Meeting Administrator advised that the Draft Training and Development programme for Elected Members 2024, had been circulated and recommended by CPG for approval.

Resolved on the proposal of Councillor Liston seconded by Councillor McEvoy and agreed by all that the Draft Training and Development programme for Elected Members 2024 be approved.



08/0224

Bereavements

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

Mona Morris, Mother of Geraldine Morris, Planning

Mary Murnane, Mother of Brian Murnane, Kildare Newbridge Municipal District.

A minute's silence was observed.

09/0224

Coordination of School Population Data

The following motion in the names of Councillors Michael Coleman, Paddy Curran, Íde Cussen, Aidan Farrelly, Angela Feeney, Carmel Kelly, Vanessa Liston, Rob Power, Pádraig McEvoy, Bob Quinn, Paul Ward and Peter Hamilton was considered by the members.

That the council assist with analysis and reports from Census 2022 data and any efforts to coordinate school population data and applications between the Department of Education, the KWETB, and other school patrons to simplify the process of securing school places across the county, particularly in areas where investment in education capacities has yet to align with population expansion.

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

A report from Mr A Dunney, Director of Services, Planning, Enterprise, Economic Development and Emergency Services stated that the Planning and Building Unit of the Department of Education are responsible for, inter alia, identifying the need for school accommodation, prioritising the allocation of resources, and overseeing the delivery of the capital programme. The primary function of the Department of Education's Forward Planning Section is to analyse demographic and enrolment trends and anticipate future demand for primary and post-primary school places to ensure that sufficient school accommodation will be provided. This research informs



identification of projects to meet future demands across the Planning and Building Unit of the Department.

Kildare County Council Planning Team engage on a continuous and regular basis with the Department of Education under the MOU between the Department of Education and the City and County Management Association (attached) and The Provision of Schools and the Planning System - a Code of Practice for Planning Authorities, the Department of Education and Science, and the Department of the Environment, Heritage and Local Government.

Furthermore, Kildare County Council Forward Planning Team engage with the Department of Education's Statutory Plans, Forward Planning and Site Acquisition Teams throughout County Development and Local Area Plan preparation, with specific reference to the Social Infrastructure Audit, which inform the plan making processes in terms of educational requirements.

More broadly, the Planning Team in Kildare County Council liaise directly with the Department of Education on school requirements, site identification, site specific projects and share all information regarding population analysis and data with the Department where same is available and verified and will continue to provide appropriate assistance where feasible.

It is expected that Census 2022 data will be available towards the end of March which will provide information on the numbers and profile of children and young people across all settlements in addition to the numbers of all current education providers in Kildare. This will provide a very useful tool for future planning of education needs in the county and can be shared with relevant departments and agencies.

Councillor McEvoy advised the members of the following:

- Kildare County Council did not undertake the construction or extension of new schools.
- Since 2014, Local Government had prioritised data-driven coordination, predictive modelling, and confidence building in policy decisions and resource allocation.



- Reviewing census and other data sources was essential to ensure that the available information was effectively aligned with the evolving needs of the communities.
- The motion presented a chance for a public discussion on the advantages of local authorities collaborating with the Department of Education. Existing work must continue, and other state bodies were deepening collaborative data sharing at regional levels, for example, through the Regional Development Monitor.
- The Department of Education could share more data with local authorities to help enhance the planning of community-level services beyond education, including travel patterns, community resources, etc. Maynooth University's AIRO had been mentioned for its significant contributions to the Local Economic and Community Plan.

The members raised the following points:

- The population had increased from 3 to 5 million over the last number of years.
- In recent times the issue of school places had created a high level of stress for students and parents.
- Social infrastructure was not keeping up with the level of growth and Kildare County Council should take a leadership role.
- The Department needed to move away from the idea that schools were needed five years after housing developments as it was families who were moving into these areas.
- The system was not working as many schools around the county were in prefabs or buildings that were not fit for purpose.
- Local authorities had limited influence regarding schools.

Mr A Dunney informed the members that they needed to be mindful of the role of the council where there was no remit regarding delivery of schools. He advised that the council meet with the Department of Education on a quarterly basis and he would bring the above issues raised back to the Department.



Resolved on the proposal of Councillor McEvoy seconded by Councillor Coleman and agreed by the members that the issues raised will be taken back to the department.

10/0224

Bin Contract as Part of Rental Agreement

The following motion in the names of Councillors Mark Leigh, Rupert Heather and Anne Breen was considered by the members.

That the council adopts a policy that all Council and Approved Housing Body Tenants must have bins on an ongoing contract as part of their rental agreement.

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

A report from Ms A Aspell, Director of Services, Housing and Regeneration stated that disposal of household waste is governed by the Kildare County Council (Segregation, Storage and Presentation of Household and Commercial Waste) Byelaws which were adopted by the council in 2018. The byelaws apply to all household types including social housing tenants.

Kildare County Council's tenancy agreement outlines household obligations regarding maintenance and prohibits the build-up of refuse. The council's Tenant Liaison Officers engage with households who may be in breach of their tenancy agreement and liaise closely with the Environment Department on refuse related matters. It is assumed that Approved Housing Bodies have similar clauses in their tenancy agreements. If the Members desire this can be checked with the principal AHB's operating in the county.

It is not proposed to implement a separate policy for social housing tenants. If the Members have concerns about a council property, please contact the Tenant Liaison Officer for the area and they will investigate.

Below is a summary of the provisions of the bye-laws which can be viewed on the council's website



KCC Waste Management Storage Presentation and Segregation of Household and Commercial Waste Bye Laws 2018 clean signed.pdf (kildarecoco.ie) :

- Every household must be able to prove that they participate in an authorised waste collection service (with an authorised waste collector) **or** provide documentary proof on what alternative means they use to dispose of their waste, e.g that they regularly use a civic amenity site or recycling centre.
- Households are required to segregate recyclable waste and organic waste from residual waste and present these separately.
- Households living in an apartment or a housing development with a management company, may have shared waste facilities. They must be able to prove you have access to and use these facilities.
- There are several ways of arranging to recycle waste. You can take it to a recycling facility or use a kerbside collection.
- For organic waste, this may be composted or left for a kerbside collection.

In summary, to manage waste correctly, households must have one of the following arrangements in place, documentary evidence is required, such as receipts, statements, or other proof of payment or for bin sharing a signed letter of consent from the person who holds the contract.

- Have a contract in place with an authorised door-to-door waste collector.
- Have a bin sharing agreement in place ensuring that the account holder has provided you with proof of agreement.
- Demonstrate regular use of an authorised waste facility e.g. civic amenity site.

Councillor Leigh informed the members that

- Beauty spots around the county were being destroyed by illegal dumping.
- People were paying unauthorised refuse collectors who were dumping the rubbish in black spots.
- The cost of a clean-up at these spots could cost up to 6k.



- Could the cost of bins be tagged onto rent or could a bin share scheme be organised for those who wouldn't require a full bin every week.

Councillor Killeen noted that there was a need to clamp down on unauthorised collectors.

Ms A Aspell asked the members that if there was a particular area that needed to be cleaned up to bring it to the council's attention where it could be followed up by a Community Warden or Tenant Liaison Officer. She stated that the council could not treat council tenants any differently. She said to add the cost of a bin contract to people's rents was not viable or appropriate.

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

11/0224

Use of Community Buildings as Polling Stations

The following motion in the names of Councillors Evie Sammon, Tracey O'Dwyer and Peggy O'Dwyer was considered by the members.

That the council explore the use of community buildings as polling stations, where available, to reduce the impact of school closures on working parents going forward.

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

A report from Mr E Eyan, Director of Services, Corporate, People and Cultural Services stated that the Electoral Act 1992 as amended sets out the arrangements for the taking of a poll. Section 93 provides for the use of schools and public premises by the Returning Officer. School for this purpose is defined as any school receiving a grant out of moneys provided by the Oireachtas. The Returning Officer for Dail Elections who is the County Registrar is generally the person also appointed as the local returning officer for referendums, presidential, Dáil and European elections and



when Local Elections are run along with these other electoral events, the poll is arranged and taken by that Returning Officer/County Registrar.

Section 28 of the Electoral Act 1992 as amended provides for polling districts and polling places and each local authority at least once in every 10 years, following consultation with the returning officer for Dáil elections, in respect of the county and in accordance with regulations made by the Minister, shall make a scheme dividing the county into polling districts for the purposes of Dáil elections, European Elections and Local Elections and appoint a polling place for each polling district. This is a reserved function. The last polling scheme was adopted by Council in 2019.

The returning officer under section 94 is responsible for providing at every polling place a sufficient number of polling stations, conveniently distributed for the accommodation of electors and is required to give notice of the location of polling stations in each polling place. While there are a number of halls used throughout the county for the purposes of elections the majority of polling stations are located in schools, generally primary schools, as schools are convenient for electors, accessible, maintained regularly with adequate heat and light, easily known and identified and not prohibitive from a cost perspective.

There is a current requirement for in excess of 280 rooms for use for polling and this could not be accommodated through the use of other community buildings.

Councillor Sammon advised that this motion arose on foot of complaints from parents who now had to seek childcare outside of the normal after school care they were paying for. She advised that in Ballymore Eustace the band hall was used as a polling station and stated that in her opinion polling stations should be located in public buildings but appreciated that it was now too late to investigate changing polling stations for the upcoming referendum and local elections.

The members raised the following:

- Closure of schools raised childcare issues with associated expense.



- Could the usage of schools be reduced where feasible and alternative venues be investigated e.g. community halls or libraries?
- It was ironic that the upcoming referendum would take place on International Women's Day and if schools had to be used as polling stations could elections be moved to Saturdays.
- Could the County Registrar be informed of this motion?
- The idea of moving away from using schools needed to be explored.
- Often polling station clerks and presiding officers tended to be teachers who were off work due to the school being used as a polling station.

Mr E Ryan advised the members that he would take their comments back to the County Registrar.

Resolved on the proposal of Councillor Sammon seconded by Councillor T.O'Dwyer and agreed by members that the comments be taken back to the County Registrar.

12/0224

Greenway Information Campaign

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

That a Greenway information campaign be developed and rolled out for all users detailing how the spaces are to be shared by all users and to communicate this by media and accessible signage by developing a lighting, security and public information transport plan with a tourism piece highlighting points where Greenways or Blueways and road users converge in our communities and that an information campaign be rolled out to support the flow of pedestrians, cyclists and all other road users.

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

A report from Ms C Barrett, A/Director of Services, Transport, Mobility and Open Spaces stated that the delivery of Greenways is a national programme with a number



of stakeholders including the National Transport Authority, Transport Infrastructure Ireland, Waterways Ireland and the relevant local authorities. It would be premature to deliver a bespoke programme for County Kildare only, without the input of these organisations. The Executive can make contact with these bodies with a view to the implementation of a national programme.

The members raised the following:

- This was an opportunity for Kildare County Council to take leadership in supporting the modal shift.
- Planning was critical to alleviate risk of anti-social behaviour.
- Need to engage with the stakeholders to help come up with a programme inclusive of lighting and a security plan.

Councillor McEvoy stated that some points were valid but that the Greenway was a natural beauty, and it would start to get cluttered if lights and signs were put in everywhere. Balance was required.

Ms C Barrett informed the members that the council were awaiting a national approach. Discussions were currently being held regarding speed limits on the Greenway. In the interim the Chief Executive recommended that the code of conduct on shared spaces that was adopted in 2013 be circulated to the members.

Resolved on the proposal of Councillor Killeen, seconded by Councillor Farrelly and agreed by members that the code of conduct for shared spaces would be circulated to the members.

13/0224

Establishment of a Shared Island Committee

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



That Kildare County Council establish a shared island committee to foster relations between both parts of our island, share best practice between Councils, encourage town twinning and harness the power of shared island funding.

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

A report from Mr E Eyan, Director of Services, Corporate, People and Cultural Services stated that Section 51 of the Local Government Act 2001 as amended provides for the establishment of committees and the threshold that must be attained for a resolution to pass as follows: (1) If a local authority considers it appropriate, it may by resolution establish.

(a) one or more than one committee to consider matters connected with the functions of the authority referred to it by the authority and to assist and advise the authority on those matters, and

b) It is necessary for the passing of a resolution under *paragraph (a)* that at least one-half of the total number of members of the local authority concerned vote in favour of the resolution.”

Kildare County Council standing order 27 states the following:

“The Council may appoint a special committee for a specific purpose. When appointing such a committee, it shall at the same time determine the number and names of Members to constitute such committee and shall also fix the quorum which shall not be less than three. The term of office of a special committee shall be for such period as the Council may determine when appointing the committee.

In the election of committees, candidates shall be proposed and seconded and if the number so proposed and seconded does not exceed the number of vacancies, those proposed and seconded shall be declared elected. Should the number of those proposed and seconded exceed the number of vacancies the provisions of paragraph



18 of Schedule 10 of the Act, (and the requirements of any other relevant enactment) will apply to appointments to committees.

Every special committee at its first meeting shall appoint a Cathaoirleach from its Members and, where practical, fix the day and the hour of future meetings.”

It should be noted that there is a County Twinning Committee already in place.

The strengthening of relations across the island of Ireland through town twinning can be raised at the next County Twinning Committee meeting. Several factors including geographical locations, population size, economic and tourism activities are considered when determining if the twinning arrangement is compatible.

Councillor Connolly referred to the Spring conference in Co Donegal which he attended. He spoke about the significant funding that was available to all counties.

These included:

- Peaceplus Fund
- Electrical Vehicle charging infrastructure scheme.
- Community Climate Action programme

The members raised the following:

- They queried if establishing another committee would achieve the goals and how the committee would be serviced and resourced.
- Utilising the Twinning Committee could be an interim approach and could engage some of the issues.
- A new committee would require Terms of Reference

Councillor Kelly spoke as the Chair of the Twinning Liaison Committee noting that they already have a works programme in place and questioned if this was achievable before the end of this council's term.

The Chief Executive urged caution as this may have resource implications but agreed it would be a great learning opportunity. She advised that the grant funding was aimed more at border counties.



Councillor N Connolly advised that the focus was no longer on border counties as a GAA club in Cork had received funding for EV charging stations. He also requested the opportunity to address whichever committee would be looking after this issue.

Resolved on the proposal of Councillor Connolly seconded by Councillor Hamilton and agreed by members that this matter be raised at the next County Twinning Committee meeting and that Councillor Connolly present to the committee to see how this can be progressed and that the report be noted.

14/0224

Change of Policy on Naming Roundabouts

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

That the Members and Executive support the referral of this motion for the consideration of the Protocol Committee in a timely manner to allow for a change of policy in naming roundabouts, to allow identification and development of three sequential roundabouts from a total of seven on the new Naas Millennium Road, as 'The 27th', 'The Sam Maguire', and 'The 28th', to commemorate that great achievement and era of Kildare Football and to give credence and visionary pride, to the exceptional achievements of Kildare Senior GAA Footballers in winning two All-Ireland Championships in a row, in 1927 and 1928. This included the first ever winning of the Sam Maguire Trophy and it was achieved with the same playing members for both years, including five Naas members but has never since been won by Kildare.

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

A report from Mr E Eyan, Director of Services, Corporate, People and Cultural Services stated that the criteria in respect of the naming of roundabouts is included in the Civic Memorial Policy adopted by Kildare County Council on 26 February 2020. The policy document outlines the formal procedure for the naming of infrastructure and dedication of memorials and plaques which must be submitted in writing to the Civic Memorial Technical Committee. This Committee is chaired by the Director of Services,



Corporate Services and the composition of the Committee is outlined in the policy document. In accordance with the Policy, recommendations of the Civic Memorial Committee will be brought forward for the consideration of the Corporate Policy Group who will determine whether the application should be brought before the full council or the municipal district for a final decision. It is noted that a policy in respect of the naming of roundabouts was adopted by Council on 28 September 2009 and referenced the decision as an executive function based on the recommendation of the protocol committee. It is the view of the Executive that the Civic Memorial Policy is the correct reference document in respect of the naming of roundabouts and supersedes the previous policy document. It is noted that the roundabouts in question are not taken in charge as yet.

Councillor S Moore asked the members for their support on this matter. He highlighted that this was a unique time in the history of the GAA and County Kildare and that the occasion should be marked. He said naming a roundabout would be cost neutral and suggested getting a sponsor. He added that it was important that past achievements be honoured to motivate future players. There were seven roundabouts in the Naas area with the three in question being in the same townland.

The members raised the following points:

- They were supportive of the motion as it was cost neutral and felt it was important to honour sports people and their achievements.
- Requested that the “27” and “28” roundabouts be placed next to each other with the “Sam Maguire” at one end to avoid confusion.

Mr E Ryan, Director of Service, advised that the recommendation would now go back to the Municipal District.

Resolved on the proposal of Councillor Moore seconded by Councillor T O’Dwyer and agreed by members that the report be noted.



15/0224

Review of Policy Re Lighting up of Public Buildings

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

That the council review the policy regarding the lighting up of public buildings for specific events.

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

A report from Mr E Eyan, Director of Services, Corporate, People and Cultural Services stated that Energy management is a priority for Kildare County Council and a number of energy management measures have been developed and introduced in Áras Chill Dara and other Kildare County Council buildings in recent years to improve energy efficiencies and usage in our buildings. One such measure was the introduction of a policy that Kildare County Council buildings would no longer be 'lit up' physically in support of charity initiatives or other occasions, this was introduced during the particularly challenging winter period for energy usage. However, we are keen to support charity and other initiatives in other ways. Therefore, upon receipt of requests to light up a Kildare County Council building, our policy is to offer a virtual light up. This consists of sharing images across our social media channels of the building lit up in the colour requested, where we can also share the key message of the specific charity/initiative.

Kildare County Council will continue to prioritise energy management, efficiency and usage in Aras Chill Dara and all Council buildings.

The members raised the following:

- They appreciated that energy management was a priority for the council, however real life challenges needed real life support and not a virtual social media post.
- It was important to support inclusivity and accessibility, could the council review the policy again before December.
- Suggested that other cost-effective ways be explored, for example using a filter or maybe lighting up for a short period of the day.



Mr E Ryan stated that a virtual light-up on social media would reach a wider audience. He said that technology was changing with possible solutions of using low cost LED lighting, similar to that in the Potato Market, with filters. He agreed to examine the facts and implications and explore options.

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

16/0224

Planning Agents Seminar

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

That the council, through the Planning Department, facilitate an Agents Seminar (similar to the successful one in November 2022) in order to inform the agents operating in County Kildare of the statutory requirements in making planning applications.

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

A report from Mr A Dunney, Director of Services, Planning, Enterprise, Economic Development and Emergency Services stated that the Planning Department welcomes this motion. The last Agents Seminar was held in November 2022. The County Development Plan is now over a year in existence, and therefore a further Agents seminar is indeed timely. With this in mind the Planning Department will begin preparations to host such an event over the coming months.

Councillor Weld informed the members that a high number of invalid planning applications were being received. A seminar would provide clarity and eradicate blame on planners. An agents seminar would also require advertising to inform as many as possible.

The members raised the following:

- A lot of planning application submitted were being refused that never had a chance of being approved but agents were not informing their clients.



- Planning refusals were time consuming for the agents as well as council staff and incurred extra cost for the applicants.
- Suggested that a checklist attached to all planning applications would help to reduce the number of refusals.

Mr A Dunney advised the members that the seminar would be advertised and that the suggestion of a checklist was welcomed.

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

17/0224

Implementation of Guidelines for CCTV

Motion in the name of Councillor Kevin Duffy.

That the council provide an update on the implementation guidelines regarding the use of CCTV for known dumping black stops and the potential to utilise these new powers and pilot it in a few dumping spots to test its effectiveness.

Councillor Duffy was not in attendance and had not authorised another member to move the motion so in accordance with standing orders the members moved to the next item.

18/0224

CCTV Pilot Schemes to Combat Illegal Dumping

The following motion in the name of Councillor Aoife Breslin was considered by the members.

That Kildare County immediately set up some CCTV pilot schemes at known illegal dumping spots, given the recent announcement by the Minister for State, Osian Smyth T.D., that all local authorities can now legally use CCTV cameras in the enforcement and prosecution of illegal dumping.

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



A report from Ms M Higgins, Director of Services, Climate, Community, Environment and Water stated that the Circular Economy and Miscellaneous Provisions Act 2022 provides for the Law Enforcement Directive EU Directive (LED) compliant use of CCTV for waste-enforcement purposes.

To address data protection concerns, the Circular Economy and Miscellaneous Provisions Act requires that the Local Government Management Agency (LGMA) prepare and submit to the minister draft codes of practice to set standards for the operation of CCTV to deter dumping.

Three separate Codes of Practice have been approved by Minister Ossian Smyth.

- Code of Practice for the Operation of CCTV for the Purposes of Prevention, Detection and Prosecution of Waste Offences
- Code of Practice for the Use of Mobile Recording Devices for the Purposes of Prevention, Detection and Prosecution of Waste Offences
- Code of Practice for the Operation of CCTV for the Purposes of Prevention, Detection and Prosecution of Litter Offences

The Minister has signed commencement orders effective from the 15 February 2024 to allow for the lawful use of CCTV in accordance with

- The above Codes of Practice
- The Waste Management Act, 1996
- The Litter Pollution Act 1997 (Circular Economy and Miscellaneous Provisions Act 2022, Section 32)

The Waste Enforcement Regional Lead Authorities (WERLAs) with the support of the CCMA CCTV Working Group are working on guidance to assist Local Authorities in the implementation of the above Codes of Practice.



It is important to note that the use of these technologies will be restricted to appropriate authorised personnel and will require ongoing justification for installation and usage.

Among many issues, the code of practice stipulates that where a Local Authority considers that the installation and operation of a CCTV Scheme may be an appropriate use of technology for the purposes of Prevention, Detection & Prosecution of Waste Offences, a CCTV Proposal is to be submitted to an Oversight Board which must demonstrate the necessity and proportionality for the intended CCTV Scheme by means of a Local Data Protection Impact Assessment (DPIA) before the Oversight Board will be able to recommend its installation to the Chief Executive for final approval.

Therefore, any proposal for a CCTV Scheme must be approved by the Chief Executive of the Local Authority.

The guidance being developed by the WERLAs will include a template document with draft terms of reference for the Oversight Board that can be adapted by each Local Authority.

Under the code of practice, a CCTV proposal shall only be considered justifiable and reasonable if an Authorised Person can demonstrate to the Oversight Board that less intrusive reasonable steps have already been taken to deter environmental pollution and to facilitate the deterrence, prevention, detection, and prosecution of offences under the Act of 1996, without any positive impact in countering and reducing instances of offending prior to recommending a CCTV Proposal.

This may include deploying alternative less intrusive deterrent strategies such as: -

- Increased lighting in an area prone to offences
- Improved signage
- More frequent inspections
- Increased public awareness campaigns.



Prior to placing a CCTV proposal before an Oversight Board, a Local Data Protection Impact Assessment (DPIA) must be conducted. A draft local DPIA must be submitted to the Data Protection Officer for review and approved by the Director of Services before being submitted, along with the business case, to the Oversight Board.

An integral part of the DPIA and business case process is that an appropriate public consultation take place – the level of consultation will be determined by the extent to which the introduction of a CCTV scheme increases the risks to Data Subjects by its introduction.

Examples of appropriate levels of consultation with the public include:

- Feedback obtained from elected public representatives.
- Online public consultation
- In-person public information events
- Direct engagement with local community groups and bodies potentially impacted by the deployment of CCTV

CCTV shall only be introduced to address/resolve an identifiable and specific problem constituting offences under the Waste Management Act of 1996. To that end CCTV shall only be deployed for specific operational tasks in specific designated locations and not used for general patrol/surveillance.

The LGMA is also working with the Department of the Environment, Climate and Communications to seek their financial support for CCTV and Mobile Recording Device projects in the Anti-Dumping Initiative fund.

Councillor Breslin stated that the introduction of CCTV for illegal dumping was long overdue. Individuals carrying out these offences must be held accountable. Local Authorities were spending over 100 million euro per year on clean-ups. The public were asking for CCTV so why the need for the consultation. The government did not seem to be getting any closer to implementing this. The minister announced this was a long process with reference to oversight bodies.



The members raised the following:

- Who would sit on the oversight bodies?
- Local Authorities had tried everything to combat illegal dumping but did not have enough staff or resources.
- No time scale had been provided for the lawful use of CCTV
- Proposal made for the council to write to the minister with the Chief Executives agreement regarding the impracticality.

Ms M Higgins informed the members that the council are awaiting advice on the oversight bodies, however this would include the Head of IT and Data Protection Officer. It was agreed by the members that a letter would issue to the Minister outlining the members concerns with the high level of processes, regulations and GDPR.

Resolved on the proposal of Councillor Breslin seconded by Councillor Leigh and agreed by members that the council write to the Minister and the report be noted.

19/0224

Use of Technology in Recording and Issuing Fines for Speeding

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

In view of the increase in traffic on all roads in County Kildare, and the perceived increase in accidents due to reckless speed on our roads, that the council refers a request to the JPC to bring forward a report that examines how it could increase the efficiency and effectiveness of the established use of technology, as used in other jurisdictions, which records significant breaches of speed limits and automatically issues fines and other means of censure.

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

A report from Ms M Higgins, Director of Services, Climate, Community, Environment and Water stated that the remit of the Joint Policing Committee is to provide a



dedicated forum to support consultation between An Garda Síochána and the Local Authority with participation of Oireachtas members and community interests. The proposed report/scheme is an operational matter for An Garda Síochána.

An Garda Síochána is currently in the process of preparing a Strategic Plan for 2025-2027, which Kildare County Council has already lodged a submission on. Should a further consultation period be opened, the proposed scheme can be included in any further submission.

The enforcement of speed limits is a matter for An Garda Síochána. The motion is a matter for the members to agree.

Councillor Heavey asked the members for their support regarding the problem of speeding issues causing serious injury and fatalities. He suggested a pilot project using the technology of speed cameras, and for this project to be brought forward and referred to JPC.

Councillor Caldwell suggested that L and N plate drivers should have to stay on the inside lane on dual carriageways and motor ways. He stated that a lot of issues were down to bad driver behaviour and not necessarily speed related.

Ms M Higgins advised the members that all Councillors could submit motions and questions to the JPC. Previously an email from Inspector Janette Butler of An Garda Síochána had been circulated to the members for their input and suggestions and considerations on An Garda Síochána Policing Plan for 2024 - Kildare Division. Any operational matters regarding enforcement would be a matter for An Garda Síochána

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

It was noted that motion 19 on the agenda in the name of Councillor Durkan had been withdrawn prior to the meeting.

The meeting concluded.