

KILDARE COUNTY COUNCIL

Minutes of Meeting of Council

**held at 2.00p.m on Monday 25 January 2016 at
Áras Chill Dara, Devoy Park, Naas, Co Kildare**

Members Present: Councillor B Weld (Mayor), Councillors A Breslin, A Breen, F Brett, K Byrne, B Caldwell, R Cronin, W Crowley, I Cussen, M Dalton, S Doyle, T Durkan, D Fitzpatrick, B Hillis, I Keatley, A Larkin, P McEvoy, P Kennedy, J McGinley, F McLoughlin-Healy, J Lawless, M Lynch, M. Miley Jnr, S Moore, T Murray, J Neville, N O'Cearuil, F O'Loughlin, F O'Rourke, S O'Neill, J Pender, R Power, S Power, T Redmond, D Scully, M Stafford, M Wall, P Ward and B Young

Apologies: Councillor D Callaghan

Also Present: Mr P Carey, Chief Executive, Messrs T McDonnell, P Minnock and N Morrissey (Directors of Services), Ms S Kavanagh (A/Director of Services), Mr L Dunne (Senior Executive Officer), Ms A Aspell (Meetings Administrator) and other officials.

01/0116

Tributes to the late Councillor Willie Crowley, RIP

Councillor O'Loughlin stated that to say, the community was in complete shock at the death of Councillor Crowley was an understatement. She said he was a very committed member of Kildare County Council who stood up for what he believed in and would be a huge loss to the community. Apart from his commitment to Newbridge with his involvement with the credit union campaign, the Millfield housing estate fire and the Christmas lights Councillor Crowley was also a talented cook, a word smith and loved horse racing. He enjoyed people and life, there was nothing he enjoyed more than hosting people around his table. On behalf of the Fianna Fáil group Councillor O'Loughlin offered her condolences to Councillor Crowleys wife Claire and family.

Councillor Kennedy, speaking on behalf of the Independent group, said Councillor Crowley loved being a Councillor and got involved in many projects especially anything that would benefit the community. He had a great interest in making the community safer with one of his ideas being more CCTV. He said that Councillor Crowley was held in high esteem, a fact that was proven when the Chairman, former Mayor and three officials travelled from Bad Lippspringe on the day before Christmas Eve to attend his funeral. Councillor Kennedy stated that Councillor Crowley would be sadly missed by all and expressed his sincere and deepest condolences to his wife Claire and family.

Councillor Stafford on behalf of the Fine Gael Group stated that, in the eighteen months that Councillor Crowley was on the council, he made a huge impact in the County and in Newbridge. He said he was very proud of the Christmas lights in Newbridge and the smile on his face at the turning on of the lights said it all. He said that Councillor Crowley was a true Independent who adopted a practical approach to issues. He offered Councillor Crowley's wife and family his deepest sympathies.

Councillor Lynch said that Councillor Crowley would be a great loss to the town of Newbridge and offered his condolences on behalf of the Sinn Féin group to Councillor Crowley's wife Claire and family.

Councillor Wall stated that there was great shock when he heard of Councillor Crowley's accident and subsequent death. He said Councillor Crowley was always prepared for meetings and was willing to share information. He said that Councillor Crowley's initiative to have more CCTV should be pursued as part of his legacy. On behalf of the Labour group he offered his deepest sympathies to Councillor Crowley's family.

The Chief Executive stated that he wanted to join with the Mayor and members extending his deepest sympathies on behalf of all staff to Councillor Crowley's family. He said that Councillor Crowley distinguished himself as a local representative and had achieved a lot in his eighteen months as a Councillor. He said he was a great family man with strong commitments. He said that there was a huge sense of loss.

The Mayor offered his own personal sympathies to Councillor Crowley's wife Claire and his family and said he was a person he found very courteous.

The Mayor asked for a minutes silence to be observed for the late Councillor Crowley then he adjourned the meeting for five minutes as a mark of respect

Ar dheis Dé go raibh a anam dilis

02/0116

Adoption of minutes

The council considered the minutes of the 18 December 2015 together with the progress report.

Resolved on the proposal of Councillor Kennedy, seconded by Councillor Breen, that the minutes of 18 December 2015 be adopted and the progress report noted.

Matters Arising

Councillor Cussen referred to the vacant housing report and the lack of action regarding the fire damaged house and enquired what was going to happen with these properties. Mr. McDonnell stated that it is intended to appoint a consultant to put a programme together for fire damaged houses and it was intended to go to tender in the near future. The Mayor requested that he revert back to each Municipal District.

Resolved: that the Director of Housing revert back to each Municipal district when a programme has been established for the restoration of the fire damaged houses.

03/0116

Disposal of Land

36.3 sq m of land at Highfield Park, Kilcock, Co. Kildare

The council considered statutory notice dated 11 January 2016 which had been circulated to the members pursuant to Section 183 of the Local Government Act 2001 signifying intent to dispose of. 36.3 sq m of land at Highfield Park, Kilcock, Co. Kildare

Resolved on the proposal of Councillor Caldwell, seconded by Councillor McGinley, that pursuant to Section 183 of the Local Government Act 2001, that the council consent to disposal of the land in accordance with the terms set out in the statutory notice.

04/0116

Filling of Casual Vacancy

Councillor Kennedy proposed Mr. Morgan McCabe to fill the casual vacancy that arose from the death of Councillor Crowley. He stated that he would be a very capable person to take Councillor Crowley's seat and stated that it was Councillor Crowley's intention that Mr. McCabe would take his seat if he was successful in the forthcoming General Election. Councillor Pender seconded Mr. McCabe's nomination stating that she was delighted to do so as a friend and colleague of the late Councillor Crowley.

The Meetings Administrator informed the members that all statutory requirements in regard to filling of the vacancy in the membership of the council have been fulfilled. She added that Mr. Morgan McCabe of Cedar Lodge, Moorefield Drive, Newbridge has given his consent in writing to his name being put forward for co-option to the Council.

Resolved on the proposal of Councillor Kennedy, seconded by Councillor Pender, that Mr. Morgan McCabe be co-opted to the Council.

Councillor McCabe took his seat at the invitation of the Mayor. The Mayor, members and Chief Executive congratulated Councillor McCabe on his appointment.

Councillor McCabe thanked the Mayor and members for their warm welcome and the kind words spoken about Councillor Crowley. He thanked Councillors Kennedy and Pender for nominating him. He also expressed his gratitude to Councillor Crowley's wife Claire for supporting his nomination. He stated that he was looking forward to working with the members and the Executive.

05/0116

Appointment to Committees

The Mayor informed members that there was a vacancy on the following committees and external bodies and nominations were requested:

- County Twinning Committee
- Joint Policing Committee
- Economic, Development, Enterprise and Planning Strategic Policy Committee

Resolved on the proposal of Councillor Kennedy, seconded by Councillor McLoughlin-Healy, that Councillor McCabe be appointed to fill the vacancies above.

06/0116

Management Report

The members considered and noted the January Management report.

In reply to a query from Councillor O'Loughlin, Mr Minnock stated that he would revert to the elected members in the next few weeks with a time line for the County Development Plan.

Councillor Moore stated that there were two committees omitted from the management report, the finance committee and the historic monuments committee. Mr Minnock informed the members that an update on the historic monuments committee would be in the next report.

The meetings administrator advised the members that the historic monuments committee is a sub-committee of the Economic Development Enterprise and Planning Strategic Committee (SPC) and has not yet been established. She stated that the Economic Development Enterprise and Planning SPC has to put forward the members of the Historic Monuments Committee to full council for ratification.

Resolved that the Monthly Management Report be noted and the next monthly management report include the finance committee and an update on the historic monuments committee.

07/0116

Video presentation of Kildare County Council's Corporate Plan 2015-2019

The Mayor welcomed Mr. Pauric Buggy and Ms. Patricia O'Keeffe, from the graduate programme, to the council chamber.

Ms O'Keeffe acknowledged the work carried out by Mr Gerard McCluskey and Ms Sarah Lavin who were also involved in the production of the video. Ms O'Keeffe stated that the concept of the video is that it represents all of and the best of Kildare, using dynamic video clips and techniques, illuminates the far-reaching operations of Kildare County Council, is linked extensively to the themes of the Corporate Plan with familiar images and upbeat music to evoke pride in the county. Mr Buggy informed the members that the video would be used internally to promote the corporate plan or externally as a context setter for Kildare County Council. He stated that it was a multi-platform resource to explain the work of the council and an alternative method of promoting the corporate plan. Mr Buggy stated that they used the studio in Leixlip Libray to edit the video and now have a database of footage and images.

The Mayor and members congratulated Mr Buggy and Ms O'Keeffe on the great piece of work that they had produced to promote the county. Councillor O'Loughlin hoped that it would be introduced in schools to inform the children what the council do. In reply to a query from Councillor S Power, Mr Buggy informed the members that the video can be updated as is required.

The Chief Executive thanked Mr Buggy and Ms O'Keeffe stating that the graduate programme was a breath of fresh air. He stated that the council was very fortunate in the four graduates that they had recruited.

08/0116

Launch of Rebranded Kildare.ie Website

The Mayor welcomed Mr Kevin Kelly from Kildare Community Network. Mr Kelly thanked the members for the opportunity to launch the new Kildare.ie website. He informed the members that Kildare.ie had been on line since 1998, it has changed through the years and has a new look. He informed the members that it is run by Kildare Community Network with partial funding from Kildare County council and the other funds sourced from selling web services.

Mr Kelly informed the members that the more information sent in to Kildare.ie the better and anyone can advertise on it. He encouraged the members to promote Kildare.ie.

The Mayor, members and chief executive thanked Mr Kelly for his presentation.

09/0116

Presentation from the Irish Congress of Trade Unions.

The Mayor welcomed Ms Patricia King from the Irish Congress of Trade Unions.

Ms King stated that she was looking for the members support for The Congress Charter for fair conditions at work. She stated that The Congress Charter sets out the key elements required to make Ireland the best place in which to work, live and raise a family. She stated that a living wage was required so a person has sufficient income to achieve an agreed, acceptable minimum standard of living, taking into account their needs. She informed the members that the ICTU recommend that the living wage should be €11.50 per hour.

Ms King stated that every worker has a right to a regular contract of employment which provides security of hours and certainty of income and there must be an end to zero hour contracts. She stated that the right to representation and collective bargaining was nowhere near where it should be, she also stated that every worker is entitled to be treated with respect and dignity in their work. She stated that a lot of money is spent through the public procurement process an every worker employed under public procurement contracts is entitled to the rights in the Charter.

The members thanked Ms King for her presentation and supported the recommendation that a living wage should be €11.50 per hour.

10/0116

Mayors Business

The Mayor informed the members that he attended an event on New Year's Day to start the 1916 Decade of Commemoration.

11/0116

Correspondence

The Meetings Administrator referred to correspondence already circulated to the members from County Kildare Fáilte extending an invitation to the them to attend their forthcoming annual general meeting on the 11 February 2016 in The K Club, Straffan and correspondence received from Clare County Council expressing sympathy on the death of Councillor Crowley.

12/0116

Votes of Sympathy

The Mayor and members expressed sympathy to the family of the late following:

Councillor Crowley, member of Kildare County Council.

Mr. Joe Dempsey, father of Loyola Dempsey, Finance Department and husband of Margaret Dempsey, who retired from Housing Department in 2009.

Ms. Elizabeth (Lil) Smyth, mother of Margaret Riordan, Kildare Town Library.

Margaret (Gretta) Meagher, mother of Richard Meagher, Newbridge Library.

Geraldine Deay, a former staff member of the Roads Department and wife of Seamus Deay, Dog Warden.

Anne (Nancy) O'Farrell (nee Clifford), Mother of Dermot O' Farrell outdoor staff member in the Park's Section of Kildare County Council and formerly Naas Town Council.

Nuala MacNamara sister of John Mac Namara, Transport Department.

13/0116

Conferences and Training

The Meetings Administrator referred to report dated 21 January 2016 circulated to the members in accordance with Section 142(5) of the Local Government Act 2001, as amended by Section 53(2) of the Local Government Reform Act 2014

Resolved agreed that the members approve the attendance of

Councillors Miley and Kennedy at the AILG training in Waterford on 13 February 2016

Councillors Caldwell, Dalton, Hillis, Larkin, Murray and Ward at the AILG training in Mullingar on 18 February 2016

Councillors Miley and O'Neill at Mental Health Awareness and Suicide Prevention conference in

Dungarvan on 19 and 20 February 2016

Councillors Doyle, Miley, O'Neill, Redmond and Young at Local Authorities Building Stronger Communities conference in Dublin Castle on 25 February 2016

14/0116

To amend resolution of the council, taken on 5 November 2015, Development Contributions

The following adjourned motion in the name of Councillor Cronin was considered:

To amend resolution of the council, taken at special meeting of Kildare County Council on 5 November 2015, to agree a rate of €10,000 per megawatt of capacity for wind turbines.

(Standing order no. 13 refers):

In light of the lack of debate in which the Development Contribution Scheme for 2015-2022 was passed and further to an indication that further debate would follow, that this council requests that private commercial wind turbines built in the county are charged at a rate of €100,000 per megawatt of capacity and that we consider the current proposal of €10,000 far too low for developments that will create tens of millions of euro each over their lifetime. This will increase the council finances to invest in community projects and deliver for-profit wind turbine companies a strong message that if they wish to build industrial wind farms in our county, that they will be paying for this privilege.

The motion was proposed by Councillor Cronin and seconded by Councillor Cussen.

As required by standing order number 13 [Motions to Amend or Revoke Resolutions] of Kildare County Council's Standing Orders for the Regulation of Business and Proceedings at Meetings of the Council, the motion from Councillor Cronin has been submitted with the written assent of the following elected members: Councillors Cronin, Cussen, O'Neill, Redmond, Pender and Young.

A report from Mr Minnock was circulated stating that the suggestion in the motion that there was a lack of debate is not a fair reflection of actuality. The procedure for adoption of a Development Contributions Scheme is set down in the Planning & Development Act 2000-2015 (Section 48 refers). The Planning Authority is required to:

- publish a draft scheme and invite submissions over a six week period

- prepare a report on the draft / submissions for the elected members within a four week period of the time for receipt of submissions.
- consider the report (elected members) and adopt a scheme within six weeks
- give notice of the commencement of the new scheme

The required statutory process was followed in reviewing the development contribution scheme, which was advertised publically following debate and subsequent agreement by the members at Strategic Policy Committee, Corporate Policy Group and Council meetings. The scheme (2015-2022) - including a provision for a contribution on wind turbines and other renewable energy installations - was adopted by the elected members at its council meeting on 5th November last. There was no indication that "further debate would follow" as suggested in the notice of motion - at its meeting on 5th November, the members resolved to adopt the Development Contribution Scheme 2015-2022 with immediate effect. The scheme cannot be amended by a notice of motion. Changes cannot be made to the approved scheme without a full review of the scheme which will entail further significant time, resources and expense. As due process was followed, and the scheme adopted by the members is in accordance with the process, we do not recommend another review of the development contributions scheme at this time.

Councillor Cronin stated that as far as she was aware there would be a further debate of the development contributions scheme. She stated that she did not agree with the €10,000 per mega watt for wind turbines and asked all the councillors to support her motion to review the development contribution scheme. Councillor Lynch stated that there was a lack of debate about the development contributions scheme and that he was not aware that the process had concluded. He stated that all councillors are on record as being opposed to wind turbines and cannot understand why the council is opposed to increasing the contribution to €100,000. Councillor Young expressed his support for a review of the development contribution scheme, as it was not clear that the discussion had ended on the scheme. He stated that the council should be looking to get more from the developers as these are privately owned and make a profit. Councillor O'Loughlin stated that there is a lack of guidelines around wind turbines, and she felt that the council made good decisions in the development contribution scheme. Councillor Power stated that the motion was very critical and enquired how Kildare County Council's levies on wind turbines compared to other local authorities.

Mr Minnock stated that the proper procedures were followed and the only way of amending the wind turbine levies would be to have a full review of the development contribution scheme. He stated that the rate for the wind turbines is not out of kilter with other local authorities. The Mayor stated that the special meeting was a statutory meeting, properly conducted and a vote was taken to adopt the development contribution scheme.

Councillor Cronin submitted an amended motion as follows

In light of the aforementioned report that we seek a review of the contribution scheme of development levies 2015-2022.

At this stage the Mayor indicated that he intended to put Councillor Cronin's amended motion to the floor by a roll call vote, which had been requested by six members as prescribed by standing orders.

Motion proposed by Councillor Cronin and seconded by Councillor Cussen was put to the floor. In light of the aforementioned report that we seek a review of the contribution scheme of development levies 2015-2022.

A roll call vote of the 35 members present was taken with:

6 members voting for the proposal: Councillors Cronin, Cussen, Lynch, O'Neill, Pender and Young.

28 members voting against the proposal: Councillors Breen, Brett, Byrne, Caldwell, Dalton, Doyle, Durkan, Fitzpatrick, Hillis, Keatley, Kennedy, Larkin, Lawless, McCabe, McEvoy, McGinley, McLoughlin-Healy, Miley, Moore, Murray, Neville, O'Cearuil, O'Loughlin, S.Power, Scully, Wall, Ward, Weld

1 member abstaining Councillor Stafford

Resolved with 6 members voting in favor, 28 members voting against and 1 member abstaining the motion was defeated.

15/0116

Reforest Land in the Councils Possession

The following adjourned motion in the name of Councillor Lynch was considered
Ireland has the lowest level of forest cover in Europe at 11% vs the EU average of 20% and as a council we must do more to promote the planting of native sustainable forestry and to this effect this Council will take steps to reforest land within its possession that is currently lying idle on green or brown field sites. This will reduce the counties carbon footprint, increase water and air quality, increase public amenities and offer the council a new future revenue stream.

The motion was proposed by Councillor Lynch and seconded by councillor O'Neill

A report from the Senior Executive Parks Superintendent was circulated to the members advising that any tree planting that is carried out by Kildare County Council is for amenity purposes as the Council does not have any responsibility or resources to engage in sustainable forestry. This is a matter for the Department of Agriculture, Forest Service, Forestry companies and private landowners. However there are grant schemes available to local authorities and community groups under the Native Woodland Scheme and Neighbourhood Scheme to develop or enhance amenity woodland plantings. These schemes are part of national policy to increase Irelands level of tree cover. Two potential sites have been identified (Castletown Woods, Celbridge and Bawnogues, Kilcock) which may be eligible for this funding. It is hoped to progress the development of applications for these in 2016.

Councillor Lynch stated that there are small amounts of land on roadsides that could be used. Councillor Lawless supported the motion stating that it was a very positive step and stated that Casteltown in Celbridge would be a suitable location. Councillor Young welcomed that there would be more planting and enquired if there was any support or directive from the Government on ash trees as some times ash trees cannot be moved because of disease.

Mr Minnock stated that there are health and safety issues with trees on the road side and that the council was looking at a proactive approach of planting. Councillor Larkin informed the members that significant planting had been carried out in St. Catherines Park, Leixlip and the Wonderful Barn. Councillor Lynch enquired if the council could draw down EU grants. Councillor Keatley stated that he was aware that the grants had increased and that the council should look for grants

for land that will not be used for building. Mr Minnock stated that he would follow this matter up with the Senior Executive Parks Superintendent.

Resolved on the proposal of Councillor Lynch and seconded by Councillor O'Neill, that Mr Minnock would follow up with the Senior Executive Parks Superintendent with regard to applying for grants for lands that will not be used for building purposes.

16/0116

Task force to review derelict buildings

The following adjourned motion in the name of Councillor Lawless was considered
That this council establish a task force to review derelict buildings in the county and employ a mixture of carrot and stick approaches to move these sites into productive, maintained units including compulsory acquisition if necessary.

The motion was proposed by Councillor Lawless and seconded by Councillor Caldwell

A report from the Mr Boland was circulated to the members relating to progress under this heading since 2009 . The report also noted that at the outset, it was worth stating that the issue became particularly pronounced post “celtic tiger” period wherein a lot sites which had been bought for possibly inflated prices were not economically viable to develop. The problem was compounded somewhat by the fact that many of the owning entities went into liquidation/receivership. Following many representations from elected members as well as local Tidy Towns groups, a concerted campaign was launched in 2009 wherein, in the interim, considerable progress was made. Regular reports were also issued to Area Committees and to the Municipal Districts in more recent times. There is no doubt but that derelict sites are not only a physical manifestation but can also have a negative in terms of community cohesion. To date, the Council’s focus has been very much trying to resolve issues. In many cases, this involved working collaboratively with the owners in a common sense and practical way. There were, however, a number of instances where the Council used statutory powers in order to enter onto lands for the purposes of carrying out work. Many derelict sites may also be dangerous (Sanitary Services Act 1964). The report noted that 359 cases had been resolved. The practice of entering properties on the Register (and imposing the derelict sites levy) is another instrument which can also be used. This may not necessarily resolve the dereliction issue which really should be the prime objective. In carrying out its functions, the Environment Section also works very closely with other sections, particularly the Planning and

Housing Departments. Therefore, there is no need to establish a 'task force.' There can also be a lot of complexities associated with particular cases. Despite all efforts, there will inevitably be cases unresolved at any point in time. The range of challenges can include; for example –

- Economic viability, financial/trading issues
- Legal issues
- Abandonment/ascertaining ownership
- Receivership/liquidation
- Owner unable to engage with the Council for a range of personal reasons

The feasibility, or otherwise, of invoking the Council's compulsory acquisition powers is an area that really should be considered in the future, particularly as many of these sites may be suitable for social housing. Indeed, such sites can often be readily purchased by agreement (refer to pilot 10 houses in Athy). This policy has been examined in the past by the relevant Strategic Policy Committee a further detailed overview could be carried out.

Councillor Lawless stated that this was an issue across the county and the council need to do a more to resolve it as they have the powers to do so. He stated that procedures should be put in place for example looking at the potential of the building and as a last resort compulsory purchase order (CPO). Councillor Cussen supported the motion stating that all municipal districts have derelict sites and enquired if it would be possible for the derelict sites team to give presentations to the municipal districts on a regular basis. Councillor Moore also supported the motion stating that more needed to be done with derelict sites especially in Naas and a CPO should be used as a last resort. Councillor Young enquired how many of the sites on the derelict sites register were in NAMA ownership and asked if a request for transfer for use could be put if they were suitable for housing purposes.

Councillor McEvoy informed the members that the Maynooth Municipal District have been reviewing the derelict sites every six months and that great progress has been made. He stated that Dublin and Cork local authorities have set aside funds to test the law on derelict sites and suggested that Kildare County Council should wait and see the outcome as financial resources are needed. Councillor Lynch stated that all of the municipal districts have derelict site issues and the council have the powers to act, so why are the powers not been utilised. Councillor McLoughlin-Healy stated that she was supportive of devolving a task force as there is a need to put policy in

place. Councillor O'Loughlin said that everyone agrees that derelict sites are a blight in towns, but where an owner of a derelict site wants to do work on the site sometimes it can't be done due to restrictions of planning and conservation. She stated that there should be negotiations in these cases.

Mr Dunne stated that there are difficulties in the County in taking action on derelict sites due to ownership, liquidation, NAMA. He informed the members that the Environment and Housing Departments are looking at houses that would be suitable. He informed the members that the environment department do attend the municipal district meetings giving updates. He suggested that this issue be referred to the Environmental Services and Water Strategic Policy Committee. Councillor Lawless proposed that a task force be established to review derelict buildings in the county and the members agreed.

Resolved on the proposal of Councillor Lawless, seconded by Councillor Caldwell and agreed by the members that a task force be established to review derelict buildings in the county.

17/0116

Streaming of Meetings

The following adjourned motion in the name of Councillor McLoughlin-Healy was considered. In the interests of transparency that we permit recording equipment in the chamber for public meetings. The cost of live-streaming has reduced significantly and can no longer be considered prohibitive. And in the event that live streaming be still considered too costly that other options be examined as soon as possible. The minimum requirement is to permit recording equipment in the Council Chamber for public meetings.

The motion was proposed by Councillor McLoughlin-Healy and seconded by Councillor Lynch

A report from Mr O'Sullivan was circulated to the members advising that at the meeting of Kildare County Council on 23 February 2015 the members received a report from the Protocol Committee, on foot of that committee's consideration of two motions referred to them to consider webcasting/streaming of council meetings. A copy of the report circulated to the members in advance of the meeting on 23 February was given to the members.

It was resolved with 9 members voting in favour, 18 members voting against and 2 members abstaining that the motions be defeated. An extract from the minutes was provided for the members information. In considering this matter the Protocol Committee had received a report from the Head of ICT which set out approximate costs for webcasting and archiving of meetings of the council. The costs associated with webcasting of meetings were set out in that report and there is nothing to suggest that the costs have reduced significantly in the interim. The costs outlined relate to the webcasting and archiving of meetings, which will facilitate the archiving and storage of meetings on-line and will incorporate a search option by contribution. Should the members consider live streaming of meetings as opposed to webcasting, this will allow for meetings to be streamed live while ongoing but will not include any archiving or search options. Given the decision of the members in February 2015 not to proceed with webcasting no budget provision has been made in the adopted budget for 2016. In accordance with standing orders it is not possible for the members to resolve to support this motion until such time as the estimated expenditure has been identified, together with a funding source. With regard to the use of recording equipment in the council chamber, standing order number 21 of standing orders for the regulation of business and proceedings at meetings of the council provides as follows: No cameras of any kind or sound recording or communication equipment may be used at meetings of the council without the prior approval of the council.

A decision of the members to allow the use of recording equipment in the chamber, over and above what has already been prescribed by standing order, will require an amendment to standing orders for full council and municipal districts [if applicable]. The amendment of standing orders is a matter for the members. Should the members wish to pursue the proposals set out in the motion, it is recommended that this motion be referred to the council's Protocol and Procedures Committee for further consideration.

Councillor McLoughlin-Healy acknowledged that the previous motion fell due to cost but the costs have now reduced. She stated that this approach is the only way to counteract misrepresentation. Councillor Pender agreed with the motion stating that the cost was prohibitive but that is not the case now. Councillor O'Cearuil stated that there was a lot of merit to this motion in the interest of transparency, adding that it would be good that people could see the great work that happens in the chamber, but he stated that he did not agree with mobile phones being used for recording. Councillor Cronin supported the motion and stated that there was nothing to fear from

transparency. In reply to a statement made by Councillor Cronin the meetings administrator informed the members that minutes are a record of decisions made and actions taken.

Councillor McEvoy stated that the minutes record the decisions and the press are also present to report from the meeting. He stated that in councils where webcasting has been introduced it has been discontinued due to a lack of uptake and cost. Councillor Scully agreed with Councillor McEvoy and stated that the councillors do not have privilege in the council chamber. He stated that if a system was going to be put in place it would not be cheap as it would have to be live streamed, recorded and filed away.

Ms Kavanagh stated that the motion referred to live streaming and recording, the cost of live streaming would be approximately €15,000 and this could be looked at in more detail but the council must be conscious of public procurement. She stated that permission to allow recording equipment in the chamber could be considered by the protocol committee. She added that there is currently no budget provision in 2016 for webcasting.

Councillor McLoughlin-Healy submitted an amended motion to go to the protocol committee and called for a roll call vote.

The motion proposed by Councillor McLoughlin-Healy and seconded by Councillor Lynch was put to the floor.

That the council explore options for cost effective recording in the chamber for public meetings.

A roll call vote of the 36 members present was taken with:

20 members voting for the proposal: Councillors Breslin, Brett, Cronin, Cussen, Dalton, Durkan, Hillis, Keatley, Lawless, Lynch, McLoughlin-Healy, Miley, Moore, O'Loughlin, O'Neill, Pender, R Power, Stafford, Wall, Young

12 members voting against the proposal: Councillors Breen, Byrne, Doyle, Kennedy, Larkin, McCabe, McEvoy, McGinley, Murray, S Power, Ward, Weld,.

4 members abstaining: Councillors Caldwell, Fitzpatrick, O'Cearuil and Scully

Resolved on the proposal of Councillor McLoughlin- Healy, seconded by Councillor Lynch, with 20 members voting in favor of the proposal and 12 members voting against with 4 abstentions,

that the council explore options for cost effective recording in the chamber for public meetings and that this matter be referred to the protocol committee for consideration.

18/0116

Housing Allocation Policy

The following motion in the name of Councillor Miley was considered

That the council give the members a detailed outline of the housing allocation policy;

(i) directives made by national government to Kildare County Council on allocation of houses, (ii) the criteria used for allocating council houses, (iii) the criteria used for purchasing houses, (iv) does local need meet any criteria, (v) the role of the county councillor in the allocation of houses.

The motion was proposed by Councillor Miley and seconded by Councillor O’Cearuil

A report from the Housing Department was circulated to the members advising that a number of circulars had been issued in recent years which contain some reference to the allocation of social houses by local authorities. The report stated that houses are allocated in accordance with the allocation scheme as adopted by the members of Kildare County Council and house purchases are made on the basis of identified need, availability of properties, suitability and value for money in accordance with guidelines set down by the Department of Environment, Community and Local Government from time to time. The report stated that there is no reference to local need in the Allocation Scheme. Applicants for social housing indicate an area of preference of their choice. The Allocation Scheme is a reserved function and accordingly is adopted by the members of the Council. There is no other provision in legislation for members to have a role in the allocation of social housing other than a representational one.

Councillor Miley stated that central government has indicated that funding is available, but no houses being provided. He stated that, through the Housing Strategic Policy Committee, new policy should be brought to the council. He stated that local need is part of the county development plan, but this is not so in respect of social housing. He stated that local need has to be taken into account and enquired when was the council going to review the allocation policy. Councillor Pender stated that she supported Councillor Miley’s call for a review of the allocation policy and stated that other councils have a points system. Councillor Young agreed with the points system. He stated that there should be a discussion on the criteria for the provision of

emergency accommodation. Councillor Young enquired about the criteria for purchasing houses. Councillor Doyle stated that local knowledge would be required when the council are back in a building programme, in order to have a long term sustainable community. She stated that when allocations were happening that the housing department and the members of the area should sit down and discuss the allocation. She also stated that community officers should be contained within the housing department.

Mr McDonnell stated that in terms of Councillor Mileys motion if a person presents themselves as homeless they could get a house ahead of someone else on the list. He stated that the scheme of letting priorities will have to be reviewed but local need does not apply in terms of housing applications. He stated that the council is purchasing properties but some of the units that are on offer are not suitable. He stated that he would like to bring the matter of allocations through the municipal districts to the Housing Strategic Policy Committee. In relation to Councillor Young's query regarding emergency accommodation he stated that there are three specialised staff who deal with the homeless and they use their professional judgement. Mr McDonnell stated that HAP is working well and there has been twenty transfers a week.

Councillor Miley stated that the council had to be very careful of sustainable housing and have to be careful of the policy the council are pursuing.

Resolved that the report be noted.

19/0116

Community and Amenity Zoning in new Development Plans

The following motion in the name of Councillor Moore was considered
That members request our Chief Executive and Senior Planner to exhort the Minister for Community and Local Government, in the strongest possible terms, to desist and remove the classification usage by Strategic Planners of proposing lands for Community and Amenity Zoning in new Development Plans, unless the lands are already in public ownership or it is accompanied by a CPO commitment, as otherwise the official proposal is falsely misleading elected members and local communities into supporting local plans on the basis that the community will enjoy the facilities of such necessary lands.

The motion was proposed by Councillor Moore and seconded by Councillor Dalton

A report from the planning department was circulated to the members advising that the Planning and Development Act requires a development plan to include objectives for the "zoning of land for the use solely or primarily of particular areas for particular purposes (whether residential, commercial, industrial, agricultural, recreational, as open space or otherwise, or a mixture of those uses). The purpose of zoning is to indicate the land use objectives for all the lands within the County with an objective of specifying which types of land use the Council considers appropriate for different areas or 'zones'. The primary purpose of land use zoning in the context of the Development Plan is to promote the orderly development of the County, by eliminating potential conflicts between incompatible land uses and to establish an efficient basis for investment in public infrastructure and facilities. Sufficient land should be zoned at appropriate locations throughout Kildare, for example, to accommodate the expected growth in population, to meet the needs of growing communities and to facilitate economic growth. Lands may be reserved for uses which are not market driven, such as open space or community facilities, to ensure that these necessary uses can be provided. Classifying lands as "Open Space" will ensure such lands can only be used for this purpose. Whilst the land-use zoning will give an indication of the acceptability or otherwise of particular uses in particular areas, proposed development will also be assessed in terms of compatibility with development control guidelines and standards.

If the members are in agreement with the notice of motion, the council will write to the Minister as suggested therein.

Councillor Moore stated that there are lands zoned for community use but there is no potential for use, as developers do not like handing over land for this use. He stated that the local authority do not put anything in the development plan to say that they will help people who are willing to hand over land, he stated that this was wrong and misleading and as a result some lands have been zoned for fifteen years. He stated that the amount of lands being designated are too big and that neighbourhoods need to be reviewed. Councillor O'Neill supported the motion stating that the current position is misleading to the public. Councillor Young stated that he would be very wary of moving away from zoning the land and stated that unless the land was in public ownership it should not be zoned for amenity.

Councillor McGinley stated that the councillors are the people who agree zoning in the development plan and asked why would Councillors zone land if they knew it could not be used for amenity. Councillor Brett stated that a lot of effort goes in to preparing a development plan and it was a pity that people could not use the lands once zoned. Councillor O'Loughlin stated that balanced development had to be considered.

Mr Minnock stated that there is not a line of funding in the development contribution scheme to acquire land. He stated that there have been cases where lands have been transferred to the council because the developer is not going to look after them. He stated that every town needs amenity lands .

The members agreed to write to the Minister for the Environment, Community and Local Government as suggested in the motion.

Resolved on the proposal of Councillor Moore and seconded by Councillor Dalton that the council write to the Minister for the Environment, Community and Local Government, to ask him, to desist and remove the classification usage by Strategic Planners of proposing lands for Community and Amenity Zoning in new Development Plans, unless the lands are already in public ownership or it is accompanied by a CPO commitment, as otherwise the official proposal is falsely misleading elected members and local communities into supporting local plans on the basis that the community will enjoy the facilities of such necessary lands.

20/0116

Upgrade of Regional Roads

The following motion in the name of Councillor McGinley was considered
That a report be given to Council on the steps being taken to upgrade our Regional Roads now that the National Oversight & Audit Committee have state that Kildare has the highest levels of structural defects on Regional Roads in the country.

The motion was proposed by Councillor McGinley and seconded by Councillor Wall

A report from the Roads, Transportation and Public Safety Department was circulated to the members advising that the Council would dispute the assertions made in the article and does not agree that Kildare has the highest levels of structural defects on Regional Roads in the country. In

addition the surveys on which the report was based were undertaken some time ago. However the county does have Regional Roads with very high traffic volumes (up to 20,000 vehicles per day), higher than many Regional or National roads in many other counties. This level of traffic would require much higher investment in Kildare's Regional Roads than heretofore. Such funding is not currently provided to the Roads and Transportation Directorate. This means that the Council has concentrated on getting best value for money from the funding available and has been concentrating limited resources on the re-pavement of roads. It is considered that this has achieved results in recent years. The Roads and Transportation Directorate receives funding from the Council's own resources and from government agencies - Transport Infrastructure Ireland (TII), the Department of Transport Tourism and Sport (DTTaS) and the National Transport Authority (NTA). The vast majority of funding for works to Regional Roads comes from the Council's own funds and the DTTaS. There is little prospect of increased funding from the DTTaS in the current year. This means that any additional funding for Regional Roads would have to come from the Council's own resources. The main option in 2016 is to divert funding from other areas in the Roads and Transportation budget to the management of Regional Roads. For instance, expenditure on Local Roads could be reduced in favour of Regional Roads projects. Another possibility is the reduction of non-pavement work such as work to footpaths, public lighting, traffic calming, etcetera and allow that funding be redirected to Regional Roads. Clearly all of these options are unpalatable and would have to be carefully weighed to find the best balance. Redirecting Local Property Tax funding to Regional Roads would also yield some improvement. In the 2017 budget the Council will have the option to increase local taxes or divert expenditure to address the problem.

Councillor McGinley was surprised that the National Oversight & Audit Committee stated that Kildare has the highest levels of structural defects on Regional Roads in the country.

Mr Morrissey stated that the report was distorted as not all counties did an analysis. He stated that he would use the report to seek funding at national level.

Resolved on the proposal of Councillor McGinley and seconded by Councillor Wall that the report be noted

21/0116

Flooding

It was agreed by the members to take motions 21, 24 and 26 on the agenda together as they related to flooding.

Item 21 – Motion – Councillor Wall

Given the recent flooding experienced in the county that Kildare County Council target a work plan on rivers and drains , specifically removing and targeting illegal dumping that caused so much problems, but also ensuring that drain and river outflows are maintained and checked on an agreed basis.

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

Item 24 – Motion – Councillor Young

Kildare County Council notes the recent flooding and flood risk along the Liffey in Kildare – from Ballymore Eustace to Leixlip; we also note that global warming is causing a continuous rise of sea levels and will restrict the facility to rapidly release water from flooding rivers, thus undermining the effectiveness of flood defences along the river. We similarly note the effective refusal of the insurance industry to provide flood cover to householders in areas they regard as being at risk of repeated flooding and call on the Minister of Finance to use his powers of licensing to compel companies to provide cover – as is the case in many other European countries. Kildare County Council resolves to promptly review our flood defence plans in a context of rising sea levels; to review the Kildare County Development Plan with a view to excluding from development areas known to be flood plains or prone to flooding and to allow for river expansion in flood conditions (and to avoid any local repetition of the current controversy in Bettystown). Kildare County Council also resolves to invite the internationally recognised authority on global warming and climate change, Prof John Sweeney of NUIM, to address the Council and advise on likely weather patterns and climate change if current rates of greenhouse gas emissions persist; and advise on measures and policies to reduce the risk of destructive climate change.

The motion was proposed by Councillor Young and seconded by Councillor Pender

Item 26 – Motion – Councillor O’Loughlin

That Kildare County Council examine all areas that flooded in the last few weeks and agree a plan of flood defence mechanisms where necessary and also develop a plan to deal with third parties whose actions have inadvertently caused flooding problems .

The motion was proposed by Councillor O’Loughlin and seconded by Councillor Murray

A report from Mr Boland was circulated to the members stating that in relation to flood alleviation it should be noted that Kildare County Council have been actively pursuing a capital flood alleviation programme since 2008 in conjunction with the Office of Public Works. Projects delivered to date are Newbridge (Kilbelin), Johnstown, Sallins, Clane, Celbridge, Leixlip (Confey Silleacháin and Rye Water), Newtown, Kilcock, Ballymore Eustace, Straffan, Ardclough to the value of approximately €10m. Funding for these works has been taken from a number of sources including the OPW minor and capital works programme and Kildare County Council capital funds. It should be noted that in all of the above cases the works carried out proved to be very effective in terms of subsequent potential flooding events. In addition, the Council has established considerable expertise in this area and it has also established a collaborative relationship with other major stakeholders including, in particular, OPW, CIE/Iarnród Éireann, ESB etc.

The Dara Park, Newbridge scheme is currently at construction stage and the Morrell (awaiting funding approval) and Hazelhatch, Celbridge (at preliminary design stage) are at planning stage. All in all, therefore, the Council has been progressing an extensive programme which remains ongoing. The input of the Municipal District (and former area committees) as well as the members of the local community has also been greatly appreciated.

River cleaning function falls largely within Division G (formerly Programme 7) of the annual budget. In addition, the Roads Area Engineers also have a role and have been in a position to allocate some resources. The main items of expenditure relates to the *Barrow Drainage Crew* which now comes fully within the remit of the Council, following the dissolution of the Drainage Boards in 2014. A briefing has been arranged for the next meeting of each of the Municipal Districts in order to brief the members fully on flooding issues and, in particular, to ascertain local priorities in relation to flood protection/river cleaning and also to bring the elected members fully

up-to-date on the various CFRAMS projects being progressed by the OPW which are now the public consultation stage. Again, the input of the elected members in shaping the prioritisation of such projects at national level will be very important.

On the issue of river cleaning, it is important to note that there are limits to the Council's statutory responsibilities in this area. Essentially, this extends to the River Barrow and its tributaries as defined in the Barrow Drainage Acts. It does not extend to the River Liffey wherein responsibility rests between the ESB (in terms of flows released from the dam at Poulaphouca and Leixlip) and riparian owners. The Council has been as flexible as possible in interpreting its statutory role.

Climate Change is a much more complex area, particularly consequent upon the recently adopted Climate Action and Low Carbon Development Bill 2015 wherein it is envisaged that the local government sector will have a significant input into both the National Adaptation Framework as well as the National Mitigation Plan. Indeed, this will have implications for all departments of the Council and not just Environment/Water Services. It will impinge, for example, on roads, housing, land use planning, emergency planning, economic and community development etc. If the members are agreeable a formal presentation on this aspect can be given at the February meeting of the full Council. Certainly, as suggested in the motion, the issues involved are both complex and far reaching.

Councillor Wall thanked Mr Boland for his reply and also thanked Kildare County Council staff. Civil Defence and the Fire Brigade for the work that they had carried out. He stated that there was no flooding in Newbridge, Ballymore or Corran Ard since the works had been carried out. He stated that a lot of the problems were caused from drains being blocked as a result of illegal dumping and enquired if a plan could be put together to stop this problem. Councillor Young also praised the teams for the work carried out and stated that when flooding happened in 2009 it was categorised as a one in one hundred year event and now six years on it has happened again. He stated that people are left stranded with no insurance and that there needs to be a strong response to provide cover. He proposed a review of the flood plans taking into account likely sea levels rising and that flood defence mechanisms should be looked at including excluding development on flood plain areas.

Councillor O'Loughlin stated that three storms had reeked havoc around the county and a number of houses have been flooded. She stated that a plan needs to be developed to deal with issues where third parties cause the problem. She stated that more funding needs to be put in place.

Resolved on the proposal of Councillor McEvoy, seconded by Councillor Brett that standing orders be suspended for fifteen minutes to continue the meeting.

Councillor Durkan thanked staff for the work carried out in the Maynooth area, he stated that he had witnessed people using the incorrect pipes when crossing a ditch with a culvert and that he was aware of a number of rivers that had not been dredged in fifty years. Councillor Brett congratulated the council on the works carried out stating that Johnstown has not flooded since the flood alleviation works were carried out. He stated that the REPS system is there for land owners to support them to carry out clean up works. He also stated that if a person is required to put in a pipe as part of their planning permission for a house that the planning department should specify the size of the pipe and that head walls should be placed either side of the pipe.

The Mayor thanked all the outdoor staff for their response and work carried out during the storms, he also thanked Mr Alan Dunney for all the work he had carried out on flood alleviation.

Resolved on the proposal of Councillor Wall and seconded by Councillor McEvoy and agreed by the members that a presentation be given at the February council meeting on the Climate Action and Low Carbon Development Bill 2015.

22/0116

Public consultation process

The following motion in the name of Councillor Lynch was considered
That this council carries out a full review of its public consultation process and seeks to modify the process from being box ticking exercise, to becoming a more inclusive process whereby more broad interest is sought from the public. This should be done to make the consultation process more accessible through allowing short submissions alongside ceasing using excessive barriers within the process such as seeking insurance details, articles of associations etc just to express interest. All public consultations should be open to all groups and individuals and should in all cases allow emailed submissions from the group/person in regards to their ideas, opinion or

observation on an initiative but without the need for excessive information such as above. This will ensure all public consultations are truly open and not overly prescriptive or challenging to those submitting.

The motion was proposed by Councillor Lynch and seconded by Councillor O'Neill

A report from Mr Holligan was circulated to the members advising that, where there is a statutory procedure to be followed, then the legal process requires that this be followed strictly and this must be done irrespective. Non statutory public consultations, depending on the subject matter and depending on the purpose, can take differing formats. Sometimes this can take the shape of drop in clinics, display of proposals and engagement in discussions with the public, open forum discussion or workshop formats. It may be important in some instances for a detailed submission to be made. This can avoid misinterpretation and confusion about what is being said and also serves to place a matter on the record. Depending on the topic sometimes other detail is necessary to verify the bona fides of who is making the submission. In other cases it may be simply about contact details for future reference.

A report from the Roads Transportation and Public Safety department was circulated to the members advising that all statutory and non-statutory public consultations undertaken by Roads Transportation and Public Safety are fully in compliance with the relevant legislation and it is open to all members of the public to make a submission in writing - by post or by e-mail – addressed to the Senior Executive Officer or to a dedicated e-mail address.

A report from the planning department was circulated to the members advising that public consultations undertaken by the Planning Department are carried out in accordance with the relevant legislation. Contrary to what is being suggested in the notice of motion, they are not a "box-ticking exercise" nor are "insurance details, articles of association sought just to express interest".

The finance department advised that the only public consultation done by finance is for Local Property Tax variation and is a statutory process.

Councillor Lynch stated that the language used when requesting public submissions is very off putting and the terminology is hard to understand. He stated that some of the procedures are over prescriptive and that the whole process of public consultation needs to be simplified as people are not interacting with the council.

Resolved on the proposal of Councillor Lynch, seconded by Councillor O'Neill that standing orders be suspended for five minutes to continue the meeting.

Councillor R Power stated that there was 180 submissions received for the Sallins Local Area Plan mainly as a result of a meeting that was held. He stated that this issue should go the Strategic Policy Committee to see how the public can be made more aware of public consultations.

Councillor Cussen stated that there was only 8 submissions received on the Litter Management Plan but yet there are litter complaints every month and asked why is the council not reaching their target audience. She stated that email addresses should be given so people can make submissions. Councillor Murray stated that the consultation for the development plan was most proactive, saying that there were two meetings held where officials were on hand to answer questions and it was on facebook. Councillor McLoughlin-Healy stated that people needed to be made aware of public consultation as it is not a one size fits all. She said holding a meeting because it is a statutory requirement is not enough.

Mr Minnock stated that 500 people are registered on the PPN system. He stated that the members of the PPN are asked to events and encouraged to bring people along. He stated that there was no problem with this issue being referred to an SPC. He said it is much better if people engage with the council and they are welcome to engage at every opportunity.

Resolved on the proposal of Councillor Lynch and seconded by Councillor O'Neill that the following motion be referred to the Local Community and Cultural SPC "this council carries out a full review of its public consultation process and seeks to modify the process from being box ticking exercise, to becoming a more inclusive process whereby more broad interest is sought from the public. This should be done to make the consultation process more accessible through allowing short submissions alongside ceasing using excessive barriers within the process such as seeking insurance details, articles of associations etc just to express interest. All public consultations should be open to all groups and individuals and should in all cases allow emailed

submissions from the group/person in regards to their ideas, opinion or observation on an initiative but without the need for excessive information such as above. This will ensure all public consultations are truly open and not overly prescriptive or challenging to those submitting."

The Mayor proposed to adjourn the rest of the motions until the February meeting on with 12 voting in favour and 5 members voting against, the meeting was adjourned.

The meeting concluded.