

**Minutes of Monthly Meeting of Kildare County Council
held at 2.00p.m on Monday, 29 February 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, D Callaghan, R Cronin, I Cussen, M Dalton, S Doyle, T Durkan, D Fitzpatrick, B Hillis, I Keatley, A Larkin, P McEvoy, M McCabe, J McGinley, M Miley Jnr, S Moore, T Murray, J Neville, N O’Cearuil, S O’Neill, J Pender, R Power, S Power, T Redmond, D Scully, M Stafford, M Wall, P Ward and B Young

Apologies: Councillors P Kennedy, M Lynch and F McLoughlin-Healy

Also Present: Mr P Carey, Chief Executive, Messrs T McDonnell, P Minnock. N Morrissey, J Boland (Directors of Services), Ms E Hanlon (Head of Finance), Ms S Kavanagh, A/Director of Services Ms A. Aspell (Meetings Administrator) and other officials.

01/0216

Vote of Sympathy

The Mayor welcomed everybody to the meeting and called for a few moments reflection.

He noted with sadness the recent death of Eileen Nolan, Senior Staff Officer, who worked with the Chief Executive, Peter Carey. He said that Eileen was a lovely person who in her role in the Management Secretariat, also worked closely with him as Mayor, former Mayors and retired County Managers, Michael Malone and Niall Bradley.

The Mayor also conveyed his sympathy to Councillor Pender on the recent death of her father. The Chief Executive recalled Eileen who gave sterling service to Kildare County Council for over 35 years. She was talented, efficient and loyal, a great colleague and a great friend. She had a huge love of music and was involved in three choirs. He said that that her friends in the choirs are hosting a remembrance Mass for Eileen on Wednesday 9 March 2016. The huge attendance at her funeral from both staff, members of Council and Oireachteas members was an indication of her popularity and the high esteem in which she was held by all.

The Chief Executive also conveyed his sympathy to Councillor Pender on her recent bereavement.

The Mayor and members expressed sympathy to the families of the late:

Edward (Eddie) Hubbard, former Naas Town Council Foreman

Bernadette (Detta) Coffey (nee Wilde), mother of Caroline Farrell, Kildare Library and Arts Services.

Eileen Nolan, Senior Staff Officer, management Secretariat, Kildare County Council

Laurent Coic, father of Liz Coic, Finance Department and father-in-law of Damien Domican, Fire Services.

Brian (Bernard) Coleman, father of Councillor Joanne Pender

Daniel (Danny) McGee, Ballylonan, Moynure, Birr, Co Offaly, father of Claire Whelan, Planning Department.

A minutes silence was observed and the Mayor adjourned the meeting for 5 minutes as a mark of respect.

02/0216

Adoption of minutes

The council considered the minutes of the monthly meeting of 25 January 2016 together with the progress report.

Resolved on the proposal of Councillor Caldwell, seconded by Councillor Wall, that the minutes of the monthly meeting of 25 January 2016 be adopted and the progress report noted.

Matters Arising

The Mayor congratulated the three successful candidates, Deputies James Lawless, Fiona O'Loughlin and Frank O'Rourke on their election to Dail Eireann and commiserated with those who were not successful on this occasion. He wished everybody well and commended those who had the courage to put their name forward for election.

Councillor Cussen asked for a follow up report on fire damaged houses and Councillor Redmond stated that there were a number of vacant houses not on the list, in particular those under the management of the Approved Housing Bodies.

Mr Mc Donnell, Director of Services responded that there was no further update at this stage and that there will always be houses becoming vacant as there is a constant turnover, in the private as

well as the public sector.

03/0216

Disposal of Land

To approve the disposal of the following land:

9 sq m, 425 Mount Armstrong, Donadea, Co. Kildare (site of old water pump)

A plot of land measuring 9 sq m to the front of 425 Mount Armstrong, Donadea is to be transferred to John and Margaret Tallon for a consideration of €100.

In accordance with Section 183 of the Local Government Act 2001, statutory notice dated 8 February 2016 was circulated to the members.

Resolved On the proposal of Councillor McEvoy, seconded by Councillor Moore, pursuant to Section 183 of the Local Government Act 2001, the Council consent to the disposal of the land in accordance with the statutory notice dated 8 February 2016.

1.53 acres, Bawnogues, Kilcock, Co Kildare (999 year lease)

A site comprising 1.53 acres (0.619 hectares) of land at Bawnogues, Kilcock, Co. Kildare is to be transferred to the Health Service Executive for a consideration of €65,000 per acre. In accordance with Section 183 of the Local Government Act 2001, statutory notice dated 16 February 2016 was circulated to the members

Resolved On the proposal of Councillor McEvoy, seconded by Councillor Moore, pursuant to Section 183 of the Local Government Act 2001, the Council consent to the lease as set out in the statutory notice dated 16 February 2016.

04/0216

Management Report

Resolved That the Management Report be noted.

05/0216

Vacancy on Strategic Policy Committees

Housing Strategic Policy Committee

The members considered report dated 16 January 2016 in relation to filling an external vacancy on the Housing Strategic Policy Committee. In order to ensure that the Housing Strategic Policy

Committee has full membership, the Chief Executive is recommending the appointment of Mr Pat Doyle, Chief Executive Officer, Peter McVerry Trust to the Strategic Policy Committee. It is considered that Mr Doyle, and the organisation that he represents meet the criteria as set down in the departmental guidelines.

Resolved on the proposal of Councillor Redmond, seconded by Councillor McEvoy, that Mr Pat Doyle, CEO, Peter McVerry Trust be appointed to the Housing Strategic Policy Committee.

Environmental Services and Water Services Strategic Policy Committee

The members considered report dated 16 January 2016 in relation to filling an external vacancy on the Environmental Services and Water Strategic Policy Committee., 56, College Park, Newbridge, Co Kildare be appointed to the Environmental Services and Water Strategic Policy Committee. In order to ensure that the Environmental Services and Water Strategic Policy Committee has full membership, the Chief Executive is recommending the appointment of Ms Mary Glennon, former member of Kildare County Council and Naas Town Council to the Strategic Policy Committee.

Resolved on the proposal of Councillor McEvoy, seconded by Councillor Hillis, that Ms Mary Glennon, former member of Kildare County Council and Naas Town Council be appointed to the Environmental Services and Water Strategic Policy Committee.

06/0216

Section 85 Agreements

The members considered draft agreement between Kildare County Council and Louth County Council in accordance with Section 85 of the Local Government Act 2001, for the purpose of the bridge rehabilitation works at River Dee Bridge No. 1 in Co Louth.

Resolved On the proposal of Councillor Moore, seconded by Councillor R Power, and agreed by all members that, in accordance with Section 85 of the Local Government Act 2001, approval be given to agreement with Louth County Council for the purpose of the works outlined above.

The members considered draft agreement between Kildare County Council and Wexford County Council in accordance with Section 85 of the Local Government Act 2001, for the purpose of bridge rehabilitation works at MacMurragh Island Bridge 1, MacMurragh Island Bridge 2, MacMurragh Island Farm Pass and Glebe Bridge together with Structure Replacement at Ballybing Culvert.

Resolved On the proposal of Councillor Moore, seconded by Councillor R Power, and agreed by all members that, in accordance with Section 85 of the Local Government Act 2001, approval be given to agreement with Wexford County Council for the purpose of the works outlined above.

The members considered draft agreement between Kildare County Council and Carlow County Council in accordance with Section 85 of the Local Government Act 2001, for the purpose of the Bridge Rehabilitation works at Ballintrane Bridge, Boggan Bridge and Clash Bridge.

Resolved On the proposal of Councillor Moore, seconded by Councillor R Power, and agreed by all members that, in accordance with Section 85 of the Local Government Act 2001, approval be given to agreement with Carlow County Council for the purpose of the works outlined above.

07/0216

County Parking Policy

Councillor Scully, Chairman of the Transportation, Safety and Emergency Services Strategic Policy Committee gave an overview of the Draft County Parking Policy. He said that this document outlines the present position and highlights the anomalies that exist. It will be the responsibility of the Municipal District members to consider this draft policy and adopt a policy for their area. Mr Morrissey, Director of Services said that the draft shows a consistent approach regarding hours, charges etc. but that the Municipal District members may have views on how the economic circumstances of particular towns are catered for.

There was a brief discussion with some members disagreeing on the approach, stating that the draft policy should have originated from the Municipal District and that the document was premature. Other members stated that the draft policy was a good starting point as it can be used to build a framework and explore commonality.

Resolved that the Draft County Parking Policy be referred to the Municipal Districts for consideration and that the Chairs of the Municipal District meet with the Transportation, Safety and Emergency Services Strategic Policy Committee to complete the Draft Policy

08/0216

Report from the Transportation, Safety and Emergency Services Strategic Policy Committee

Councillor Scully, Chairman of the Transportation, Safety and Emergency Services Strategic Policy Committee gave a presentation to the areas of responsibility of this Strategic Policy Committee. He stated that the committee has examined standing orders for the SPC, the annual

work programme, the County Parking policy, the Public Lighting policy, the Noise Action Plan and rural transport.

The work programme for 2016 will include the completion of the Public Lighting policy, the referral of the County Parking Policy to the Municipal Districts, Section 26 of the Fire Service Plan, the issue of roadside memorials and the naming of roundabouts.

Councillor Scully noted the members on the Committee and he said that it was particularly useful to have the input of the non elected members and that the Committee was working well.

The Mayor thanked Councillor Scully for the presentation.

09/0216

Report from the Local Community and Cultural Strategic Policy Committee

Councillor Byrne, Chairman of the Local Community and Cultural Strategic Policy Committee outlined the legislative background to the formation of the Strategic Policy Committees and noted the membership. The key policies examined in 2015 were the Decade of Commemoration for County Kildare, the County Kildare Municipal Art Collection Purchase Policy, the Kildare County Library Development Plan the County Kildare Municipal Art Collection and the Kildare Age Friendly County Strategy.

Councillor Byrne noted the notices of motion from full Council that were referred to the Strategic Policy Committee and briefed members on the outcome.

Some of the policies and programmes examined by this committee involved multi-agency activity and Councillor Byrne thanked those agencies for their hard work.

The Mayor thanked Councillor Byrne for the presentation.

10/0216

Presentation on Climate Action and Low Carbon Development

Kevin Motherway, Senior Executive Scientist, Environment Section briefed the members on Climate Action. Mr Motherway gave a detailed analysis of the changes which have already occurred and briefed members on the future trends. He outlined to legislative background and the requirements imposed by the Climate Action and Low Carbon Development Act 2015.

The timelines imposed by the legislation have a major effect on the work programmes for local authorities. It will be a significant task not only to draft, but to embed Climate Adaptation into Kildare County Council's strategic plans and operations.

The experience and challenge experienced by South Dublin County Council on this task was

shared with the members. Mr Motherway recommended that Kildare partner with South Dublin County Council who now have the knowledge in drafting their Adaptation Plan and there will be trans boundary issues. It is important that Climate Adaptation is a priority for Kildare County Council that it is incorporated in all policies and Mr Motherway stressed the importance of the role of the members in this process.

The Mayor thanked Mr Motherway for his presentation.

11/0216

Presentation from KARE

Peter Furlong and Ber Rowan from KARE gave a presentation to the members on their Employment Support Service. KARE have worked successfully with businesses and have successfully represented over 160 local people to obtain jobs in their chosen career. Supports are in place to enable job seekers with an intellectual disability to be employed in real jobs in the open labour market with the same conditions and contract of employment as is standard for other employees. As a renowned service provider, KARE continuously publicise and promote their extensive affiliations through national and international conferences, radio and television interviews, and newspaper and community forums.

Mr Furlong cited examples of successful business affiliations with local companies and quoted endorsements from those businesses on their experience of the service.

The Mayor and members acknowledged the excellent work of KARE and thanked Mr Furlong and Ms Rowan for their excellent presentation.

12/0216

Mayor's Business

The Mayor wished Councillor Paddy Kennedy a speedy recover from his recent illness and looked forward to seeing him return to his seat in the chamber in the next few weeks.

The Mayor informed the members that the ethics form should be submitted by close of business today 29 February 2016.

The Mayor noted that there was a special meeting on Monday next 7 March 2016 to brief the members on the County Development Plan.

The Mayor complimented the team from Kildare County Council for their work on the Age Friendly Strategy which he recently launched together with Mr Bernard Campbell from Rathcoffey.

The Mayor noted that subject to the appropriate notification from the Department, a special meeting of Kildare County Council will be held on Monday 14 March 2016 for the purpose of the

co-option of three members to replace the vacancies created by the election to the Dail of Deputies Lawless, O'Loughlin and O'Rourke, former members of Kildare County Council.

13/0216

Correspondence

The Meetings Administrator informed the members of letter of 1 February 2016 from the County Kildare Association of New York extending an invitation to Councillor Brendan Weld, Mayor of Kildare and any representatives of the Council to the St Patrick's Day Parade in New York on Thursday 17 March 2016.

The Meetings Administrator read a letter of 14 January 2016 from Jean-Pierre Thebault, Ambassador of France acknowledging the support of the Mayor of Kildare, members, staff and people of Kildare for their kind thoughts and the books of condolences opened in the offices of Kildare County Council in remembrance of the victims of the recent atrocity in Paris.

14/0216

Conferences and Training

The Meetings Administrator referred to report dated 25 February 2016 circulated to the members regarding conference and training events in accordance with Section 53(2) of the Local Government Reform Act 2014.

Resolved On the unanimous agreement of the members retrospective approval be given to the attendance of Councillor P Kennedy at the Mental Health Awareness and Suicide Prevention Conference at the Park Hotel, Dungarvan, Co Waterford on 19 and 20 February 2016.

15/0216

Operation of Sand and Gravel pits

The following motion in the name of Councillor Doyle was considered:

That the Chief Executive report on policies and processes in place for the operation of sand and gravel pits in the County, having regard to recent developments in the Kildare Newbridge Municipal area, if he will outline the level of monitoring that takes place and if he will further indicate the extent to which the Council ensures that all planning conditions are complied with in so far as these developments are concerned, and to further ask if he will outline the plans in place to ensure the restoration of these quarries as conditioned by their planning permission including details of provisions for bonds to secure restoration.

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

A report from the Planning Department stated that Chapter 10 of the County Development Plan 2011-2017 sets out the background to the extractive industry in Co. Kildare and the planning policies and objectives in relation to the industry. The Plan acknowledges the importance of the industry to the national and local economies while at the same time identifying planning and environmental issues that arise with the extraction of sand and gravel from lands in the county. The Plan discusses topics such as the siting and location of pits/quarries, their layout and design, the long term vision for the development of sites, pit closure and rehabilitation, landscape, archaeology etc. A range of policies and objectives in relation to the extractive industry are set out on pages 177-178 of the Plan.

On page 510 of the Development Plan the Council's requirements in relation to the contents of planning applications for pits/quarries are specified.

The Department of Environment, Community and Local Government issued national guidelines in 2004 - Quarries and Ancillary Guidelines for Planning Authorities. In addition, the Planning Act has been amended on a number of occasions in relation to quarries. In the mid 2000s under section 261 of the Act quarries were required to be registered by their owners/operators. However following European court judgements Irish planning law changed again regarding quarries and in 2012 under section 261A of the act councils were required to carry out a survey of all pits/quarries in their areas including ones that pre-dated the coming into operation of the Planning and Development Act 1963 in order to determine whether these quarries/pits would have needed Appropriate Assessment and/or an Environmental Impact Assessment. Following such determinations the councils were then required to make further decisions in relation to the planning status of the quarries, including the original Section 261 registration status where applicable. The combined results of the determinations for AA EIA and the planning S261 status and operational history of the quarries, informed what S261A notice was issued i.e. notice requiring application for substitute consent to be made to An Bord Pleanála or notice of intention to take enforcement action requiring cessation of quarrying operations. The Council is following up on this process in relation to a number of quarries.

Councillor Doyle thanked Mr Minnock for the report.

Resolved That the report be noted.

16/0216

Consultants engaged by Kildare County Council

The following motion in the name of Councillor Redmond was considered:

That the Council provide members with a list containing full details of all consultant firms engaged by Kildare County Council, the projects they were hired for and the full amounts paid to each firm from January 2014 to December 2015.

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

A report from Ms Kavanagh, A/Director of Services, Economic Development, Enterprise and Corporate Services which was circulated to the members at the meeting gave a breakdown of expenditure per department, a list of the consultants engaged and the name of the project on which they were working.

Councillor Redmond said that he was not satisfied with the report which he had just received. He asked that a full breakdown per consultant be provided to the members in response to his motion. Councillor Redmond said that a similar motion in Kerry some months ago yielded a full breakdown per consultant.

The Mayor stated that such information is commercially sensitive and the Council need to be mindful of procurement rules and the fact that the release of further detail could be a disincentive to companies to tender for work.

Councillor Redmond disagreed and said that as these are public funds, the information that he has requested should be made available. Kerry County Council have set the precedent, he said.

Ms Kavanagh, A/Director of Services apologised for the late circulation of the report but explained that it has taken considerable time to gather the information requested. She said that she understood the point that Councillor Redmond was making and stated that if there was a particular project that Councillor Redmond was concerned with, that he should make her aware of that project and his concerns and she would revert to him with the appropriate information.

The members contributed to a brief discussion with points being raised in relation to price inflation, the existing audit structure and value for money. While members wished to have transparency, the point was made that the audit committee, the internal audit department and the local government auditor all have full sight of the finances of the council and if there was a specific concern, Ms Kavanagh has offered to have it examined.

Councillor Redmond asked if legal advice can be sought on whether he is entitled to a full and

comprehensive breakdown of expenditure per consultant.

The Chief Executive intervened and stated that it had taken considerable resources to extract this information. There are statutory requirements and it is essential to hire in specialists where such need is identified. The Chief Executive stated that he is happy with the audit structure in place and he invited Councillor Redmond to speak to Ms Kavanagh regarding the specific cases and any concerns that he has will be addressed.

Resolved that the report be noted.

17/0216

Policy on Public Roads

The following motion in the names of Councillor Stafford was considered:

That the Council conduct an investigation into the number of roads in the county that are not dedicated as public roads (or internal roads), the length and condition of these roads and the number of dwellings abutting private roads and that on completion of this database that the council will devise a specific policy in relation to the dedication of these roads as public roads on a phased basis.

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

A report from the Roads, Transportation and Public Safety department stated that there is a schedule of roads taken in charge and that this information is maintained and updated as required. The normal process is that that Department considers all requests to take additional roads in charge made by a majority of the residents on those roads and responds accordingly. Roads Transportation and Public Safety does not currently possess adequate resources to engage in a survey of all remaining roads as requested in this Notice of Motion.

Councillor Stafford stated that he was not happy with the response. Changes in legislation leave those living in rural areas where roads are not in the charge of Kildare County Council in a vulnerable position when they wish to sell, mortgage or transfer their property. It is not enough to address this issue on a piecemeal basis. Councillor Stafford noted that following a motion from Councillor Power, it is now the policy of Kildare County Council to take roads in charge which have had the benefit of a Local Improvement Scheme. However, not all rural roads qualify for this scheme. He said that this is negatively affecting rural dwellers who are paying the same property tax and development levies as those in towns.

Mr Morrissey, Director of Services stated that this is a resource issue and that the taking in charge process would transfer responsibility to Kildare County Council for maintenance. This should be discussed in the context of Budget 2017.

Councillor Stafford disagreed strongly and said that there is a legal issue here and that this needs to be addressed. The members contributed to a debate on this issue.

The Meetings Administrator intervened to state that the members need to be clear that if there are budgetary implications, they are not in a position to pass this motion under standing orders.

Following further discussion, the Mayor asked Councillor Stafford if he were agreeable to the motion being referred for the consideration of the Transport, Safety and Emergency Services Strategic Policy Committee. Councillor Stafford replied that he agreed reluctantly to have the motion referred.

Resolved On the proposal of Councillor Stafford, seconded by Councillor Durkan, this motion to be referred for report to the Transport, Safety and Emergency Services Strategic Policy Committee.

18/0216

Social Housing Strategy 2020

The following motion in the name of Councillor Pender was considered:

That Kildare County Council accepts that the Social Housing Strategy 2020 is inadequate, calls on the Government to review housing policy to prioritise directly building good quality housing to passive standards and rejects the privatisation of social housing as the solution to the housing crisis. Kildare County Council should also outline to members a detailed breakdown of how the €86 million that was allocated to provide social housing will be spent.

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

A report from the A/Senior Architect stated that the Social Housing Strategy 2020 sets ambitious targets for the delivery of social housing when compared with the volume of units delivered in recent years. Kildare County Council is making every effort to deliver its targets under the various delivery mechanisms identified in the strategy with the resources available including direct delivery through construction. Provision of units through the Rental Accommodation and Housing Assistance Payment Schemes, as set out in the response to the question above are essential if the targets set are to be achieved in the lifetime of the Strategy.

New housing constructed by Kildare County Council will comply with current building standards. Building Regulations Technical Guidance Document Part L sets the standards for Conservation of Fuel and Energy for all new housing. Part L has been revised a number of times in recent years with substantial increases in energy efficiency standards at each revision. Kildare County Council strives to exceed these standards where possible, and through the use of passive means such as increased building fabric performance rather than a reliance on building systems which require ongoing maintenance and replacement.

Councillor Pender welcomed the report and said that she knew that every effort was being made. She said that supply is a major issue and that while she understood the need for some level of private sector intervention, that the people want public services and a direct build programme. She urged the members to support the right to housing.

A lengthy discussion followed with members supporting the motion in relation to the prioritisation of a construction programme but acknowledging that some ghost estates were no longer ghost estates because of the acquisitions policy. There was concern at the pace of the building programme and further clarity was sought on the role of the Voluntary Housing bodies. There was a call for a plan per Municipal District and it was noted that some of the private sector housing was substandard. The Director was asked about the resources in his department as the impression was that it was still under resourced.

Mr Mc Donnell informed the members that if there was more money available, of course it would be welcome. He said that the Housing Department was now resourced properly and he acknowledged that there is an ambitious programme to be delivered. He agreed with the members that the acquisitions policy was the right thing at that time while also agreeing that local authority houses are generally of better construction than units in the private market.

Councillor Pender accepted that interim arrangements had to be put in place but asked are we going to manage a policy that is recognised as being inadequate or are we going to review the strategy.

Mr Mc Donnell said that we have to implement government policy and we have targets under the strategy.

A lengthy discussion followed on the concerns regarding the Housing Assistance Payment scheme, homelessness, complicated funding mechanisms, security of tenure and how to create sustainable communities. The length of time for the return of fire damaged houses was an issue which needs to be addressed immediately.

Mr Mc Donnell accepted that there are issues to be resolved but repeated that he must deliver government policy through the strategy.

Resolved On the proposal of Councillor Pender, seconded by Councillor Young with the members in agreement, it was agreed to write to the Department of the Environment Community and Local Government.

19/0216

Charter for Fair Conditions at Work

The following motion in the name of Councillors Breslin and Wall was considered:

That Kildare County Council supports the Irish Congress of Trade Unions in their charter for Fair Conditions at Work.

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

Councillor Breslin commended Patricia King from the Irish Congress of Trade Unions who engaged with all political parties in the formulation of this charter.

Councillor Wall commended the work of former Minister Nash who had worked tirelessly in relation to the European guidelines on public procurement.

Resolved On the proposal of Councillor Breslin seconded by Councillor Wall, with the members in agreement, the motion was carried.

20/0216

Housing Workshop

The following motion in the name of Councillor Doyle was considered:

That a monthly workshop be hosted to assist housing applicants and those at risk of homelessness, that such workshop examine possibility of including organisations such as MABS that assist with distressed mortgages who are considered unsustainable through the MARP process.

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

A report from the Housing Directorate stated Kildare County Council provides a full housing service from Aras Chill Dara in Naas and a Customer Care point operates in Athy. The Housing Department in Naas operates a counter service whereby staff are available to deal with individual queries. Housing related information can also be accessed on the Council's website:

<http://kildare.ie/countycouncil>

There are four citizen information centres in the county (Athy, Newbridge, Naas, Maynooth) whereby information covering a range of topics including housing, social welfare, education, money advice, health, employment etc. can be assessed. Citizens Information provide further relevant information at <http://www.citizensinformation.ie>

There are two MABS centres in Kildare, (Kilcock and Newbridge) . They can be contacted through their MABS Helpline: **0761 07 2000** (9am - 8pm, Monday - Friday) or by email: helpline@mabs.ie

The MABS centres also provide information on MARP and have produced a guide to the Mortgage Arrears Resolution Process which can be downloaded from their website www.mabs.ie

The Council would encourage anyone with housing related issues to make contact with the housing department where their issues can be addressed. The Housing Department are not in a position to resource monthly workshops at this time.

Councillor Doyle said that she was very disappointed with this response. She, like other members are meeting people in difficult circumstances on a daily basis and she suggested that a housing clinic would be very useful. She said that the processes are challenging and that it is often difficult dealing with people who are experiencing challenging situations in relation to their accommodation.

There was broad support for this motion and members noted that this is a countrywide problem. Support groups are helping each other but there is a gap and there was general agreement that it would be positive to have official input.

Mr McDonnell Director of Services informed the members that he had receive a positive response from the Department of the Environment Community and Local Government regarding the extension of the Threshold arrangement to County Kildare and he will be reverting to the Department to put an arrangement in place.

Councillor Doyle thanked the Director and said that this was a very positive step.

Resolved That the report be noted.

21/0216

Bye-Laws for collection of waste

The following motion in the name of Councillor McGinley was considered:

That Bye-Laws be introduced to prevent waste bins from being collected prior to 7am.

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

A report from the Water Services and Environment Directorate stated that the concerns regarding early morning starting times has been an issue nationally for a number of years.

Following consultation with all interested stakeholders, the Department of the Environment Community and Local Government has put in place new regulations to address the issue.

The regulations introduce a new national restriction on kerbside collections which state that collections cannot commence before 6.00 am and must finish by 10.00 pm.

This restriction will apply to all areas within in a 60 kilometre speed zone or less.

(The regulations do not restrict areas where an 80 Kilometre or higher speed limit applies)

The new restrictions are effective from 1st July 2016.

Councillor McGinley noted the report but stated that 6.00am is far too early. He consulted with a number of people who agree with this view and he proposed that any county can introduce bye-laws to improve on the guidelines issued by the Department.

Mr Boland, Director of Services said that this issue had been raised at Municipal District level. He said that if the start time is 7.00am, there is a danger of clashing with school traffic. There have been discussions with the industry to rationalise the different collectors going into estates on the same days and it has proved difficult to reach a consensus on this. With regard to bye-laws, Mr Boland said that it would be very difficult to go against what is happening at national level.

The members supported the motion and cited complaints to them regarding the reversing sirens on the trucks. There was general agreement with the proposal to introduce by-laws.

Councillor McGinley stated that as far as he was concerned, we are allowed to introduce bye-laws and he said that the argument about interfering with school times is not valid. Planning decisions are imposed so that work does not commence before 8.00am. He called for Kildare to lead the way and prepare the bye-laws.

Mr Boland said that there has been a lot of progress in this area and that he will look at the legal position.

Resolved That the report be noted and Mr Boland to revert to the members on receipt of legal advice.

22/0216

Space for Small and Medium Enterprises in Kildare

The following motion in the name of Councillor Moore was considered:

That the Chief Executive, either in conjunction with Enterprise Ireland or otherwise, procure a minimum of 10,000 square metres of empty, idle or low occupancy traditional factory space in Naas, for use in the creation of space and accommodation supports for Small and Medium

Enterprises (SMEs) in County Kildare. The development of more crafts and skills businesses through SMEs is vital for the balance of labour spreads in County Kildare, in view of its present high dependency on Foreign Direct Investment in the technological and medical industries. The motion was proposed by Councillor Moore and seconded by Councillor Hillis.

A report from the Economic Development Enterprise and Corporate Services Directorate stated that it is agreed that there is a need for space for 'start-ups' and the sentiment of this motion very much reflects actions set out in the Mid East Action Plan for Jobs (2016-2017). It should also be noted that officials from Kildare, Meath and Wicklow County Council's Economic Development Departments and Local Enterprise Offices are meeting shortly to discuss the table of actions for the Mid East Action Plan for Jobs and the implementation of said actions over the life time of the plan. It is not possible, at this juncture, to give a clear commitment in the absence of further information regarding budgetary and resource implications but the motion has been noted and the Councillor can be assured that the Council is considering action in line with his request.

Councillor Moore thanked Ms Kavanagh for her comprehensive report.

Resolved That the report be noted.

23/0216

Place on Housing List

The following motion in the name of Councillor Pender was considered:

That Kildare County Council ensure that those in receipt of the Housing Assistance Payment remain or are included on a social housing transfer list and do not lose their place on the list as a result of their HAP payment. Unless tenants explicitly remove themselves from the housing list, they are deemed to be still in need of housing.

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

A report from the Housing Directorate stated that housing applicants who become part of the Housing Assistance Payment scheme are entitled to avail of all social housing options like other social housing tenants. The Housing (Miscellaneous Provisions) Act 2009 and related Housing Assistance Payment Regulations 2014 and 2015, provide for Housing Assistance Payment tenants who apply for a transfer to have his or her relative priority on the transfer list reflecting the time they previously spent on the waiting list. However, as the Housing Assistance Payment is a

social housing support, participants in the scheme are deemed not to have a housing need. All Housing Assistance Payment tenants are offered the opportunity to apply for a transfer and return an Application for Transfer to the housing authority within two weeks of approval of their application for the scheme or the time they have spent on the housing list will not be taken into consideration when considering a transfer.

Councillor Pender stated that people who have been on the housing list for 10 years and more will feel angry and cheated if they are no longer on the housing list. They should not be disadvantaged because they source accommodation under the Rental Accommodation or the Housing Assistance Payment Schemes. Councillor Pender said that the privatisation of social housing has contributed to the homelessness and housing crises. She regarded this as a distortion of the numbers on the housing waiting lists and said that while the short term need could be regarded as having being addressed; the long term need was still there. Councillor Pender stated that the applicants who have received housing support for their short term need should automatically be retained on the housing list.

There was broad support for the motion with members agreeing that those who have been accommodated through the options provided by the private market should be allowed to retain their position on the housing list so that when the direct construction programme begins, those applicants should receive priority for the allocation of social units, they would have progressed through the housing system with the optimum of creating stable sustainable communities in the long term.

Mr McDonnell explained that there is no discretion. The terms of the circulars and the legislation are very clear and those who avail of the Housing Assistance Payment scheme are automatically taken off the housing list. They must choose the option to return the documentation so that they are included in the transfer list which will afford them to option of being considered for a transfer to a social house. Mr McDonnell noted the concerns of the members and suggested that a letter be sent to the Department informing them of the motion and the discussion arising from it.

Councillor Pender thanked the Director and agreed with this suggestion.

Resolved That the report be noted. Letter to be issued to the Department of the Environment Community and Local Government as outlined above.

24/0216

Waiver Scheme

The following motion in the name of Councillor Cussen was considered

As the "pay-by-weight" comes into effect on 1st July 2016 as per the Eastern-Midlands Regional Waste Management Plan 2015-2021 New Household Waste Regulations that this council implement a diversion of funds within our existing Budget to fund waivers/part-waivers for households with specified medical conditions, as per Memo from the Inter-Departmental Group on New Household Waste Regulations at the Department of the Environment, Community and Local Government in respect of this (December 2015).

The motion was proposed by Councillor Cussen and seconded by Councillor O'Neill.

A report from the Water Services and Environment Directorate stated that the Council will not be introducing such a waiver scheme for a number of reasons:-

1. Feed-back from the two pilot counties (Leitrim and Dun Laoghaire/Rathdown) strongly suggest that charges will decrease (circa 20% in the case of Leitrim) following the introduction of such a system. This is not surprising when one considers the opportunities for efficiencies arising from the diversion of waste away from the black bin.
2. The Inter-Departmental Group ruled out the introduction of a waiver scheme for a number of reasons (as cited in its correspondence) including; inter alia, difficulties around establishing qualification criteria, remaining discount options for former waiver recipients on the part of some providers, diverting funds from other worthwhile areas, as well as the inherent complexities involved.

Mr Boland said that he is in agreement with the finding of the Inter-Department Group. In particular, it should be noted that waste collection is now inherently a private activity and there can be a risk associated with interference in this market including; for example, issues of precedent, competition law, avoid unsustainable practices etc. In the case of the issue at hand, there will no doubt be additional issues of complexity in terms of defining need and entitlement which may well result in significant administrative costs, again with implications in terms of diverting scarce funds etc.

All in all, therefore, notwithstanding the good intentions of the Notice of Motion, the introduction of a waiver scheme for such a specific group cannot realistically be considered. The members might consider referring the matter to the Department of Social Protection or HSE for comment.

Councillor Cussen said that she was very disappointed with this report. She said that the charge will be excessive for those with particular medical conditions. Councillor Cussen asked for a copy

of the third report. She said that she had received representations from carers and that she did not expect to get such a negative response. She asked the Director to reconsider his report. Mr Boland said that he will write to the Department of Social Protection and the HSE and revert to the members.

Resolved That the report be noted. A letter to be issued to the Department of Social Protection and the HSE noting the motion before the members.

25/0216

Resource allocation for Tusla

The following motion in the name of Councillor O'Neill was considered

That this council writes to the minister for children and youth affairs to ascertain how many of the newly recruited staff and extra budget allocation for Tusla will go to clear the backlog of 550 suspected cases of child abuse in Kildare and West Wicklow. That this letter also outlines that Kildare has the highest population of young people in the country and a higher demand for social services for children than both Tallaght and Ballyfermot combined but do not have the same resources as these areas. This letter should ask why Kildare has been both under resourced and over looked, how they plan to address this inequality and corresponding timeline.

The motion was proposed by Councillor O'Neill and seconded by Councillor Caldwell.

Councillor O'Neill asked the members for their support on this motion. She said that Kildare has been under resourced and under funded and this needs to be addressed.

Resolved On the proposal of Councillor O'Neill, seconded by Councillor Caldwell, with all the members in agreement, the motion was carried.

26/0216

Overcrowding at Naas Hospital

The following motion in the name of Councillor Young was considered

Kildare County Council notes the unacceptable situation at Naas Hospital where patients are regularly kept waiting on trolleys and staff have to deal with continuous overcrowding, which is putting patient safety at risk. The Council extends its support to the hospital staff who are taking industrial action in order to protect services and patient safety. We send our support to the staff and their organisations. We call for increased investment to expand Naas hospital capacity over and above the current expansion proposals, which will not be sufficient to meet the needs of the

growth in population. We note that Ireland's acute bed capacity is 2.8 / 1000 people while the OECD average is 4.8 and call for an increase of acute bed capacity in Naas. We call on the Government to acknowledge the underinvestment in health care and to increase spending in order to reinstate the 3000 beds eliminated in the 1980's and prevent a deeper crisis in our health care system.

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

Councillor Young stated that all parties will agree that there is clearly a crisis in Naas Hospital and that its capacity needs to increase. He said that there is a shortage of beds for the growing population and diverting acute cases to Naas or paying emergency department staff more is not a resolution. Councillor Young called on the members to support this motion.

There was a brief discussion with members broadly in agreement with the sentiment of the motion.

Resolved The motion was noted

27/0216

Moore Street 1916 Terrace

The following motion in the names of Councillors Cronin and Cussen was considered

This Council calls on the Irish Government Minister for Heritage Heather Humphreys TD to intervene immediately to halt the current works on the historic Moore Street 1916 terrace which involve the virtual destruction of Number 18, the inappropriate encroachment on the National Monument 14-17 and the potential demolition of the remaining buildings on the terrace (10-25), based on the plan of the previous developer Chartered Land. We call on the Minister to work with the 1916 relatives and all relevant stakeholders to implement a new plan which would conserve and develop the terrace 10-25 and create an historic 1916 quarter, and not allow such shameful destruction in the Centenary of the Easter Rising to continue.

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

Councillor Cussen called on the members to support this motion. She said that the court case was ongoing but that this historical site should be protected.

Councillor Cronin said that it was unfortunate that previous governments had allowed the streets at the back of the GPO go to ruin.

Councillor Scully intervened to ask the relevance of this motion to the business of Kildare County Council. He said that this was an issue for Dublin City Council and not Kildare.

There was concern that some of the buildings in question do not represent the actual position as it was in 1916 and that as the members in Kildare do not have access to the report from Dublin City Council, there was concern that they could undermine the legitimacy of their advocacy when it is not evidence based.

Councillor Cussen said that the facts will be exposed in the courts.

Resolved The motion was noted.

28/0216

**Ratification of the United Nations Convention on the Rights of Persons with Disabilities
Convention of 2007**

The following motion in the name of Councillor O'Neill was considered

That this council writes to the Government citing our dissatisfaction that Ireland has not ratified the United Nations Convention on the Rights of Persons with Disabilities Convention of 2007. It is a shameful reflection on Ireland in making people with disabilities wait over nine years for implementation of their human rights in this country. We ask that the legislation required is put in place without further delay and that it is ratified within the next 12 months.

The motion was proposed by Councillor O'Neill and seconded by Councillor Redmond.

Councillor O'Neill asked the members for their support for this motion

Resolved On the proposal of Councillor O'Neill seconded by Councillor Redmond with the members in agreement, the motion was carried.

The Mayor said that this is the last meeting for Annette Aspell as Meetings Administrator. He congratulated Annette on her recent appointment as Senior Executive Officer and thanked her sincerely on his own behalf and that of the members for her courtesy efficiency and friendship over the years. The Mayor welcomed the incoming Meetings Administrator Maura McIvor.

The meeting concluded.