

**KILDARE COUNTY COUNCIL**

**Minutes of Meeting of Council**

**held at 2.00p.m on Monday 28 November 2016 at**

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

**Members Present:** Councillor B Hillis (Deputy Mayor), Councillors M Aspell, A Breslin, A Breen, F Brett, K Byrne B Caldwell, D Callaghan, M Coleman, R Cronin, I Cussen, M Dalton, S Doyle, T Durkan, D Fitzpatrick, B Hillis, C Kelly, P Kennedy, A Larkin, M Lynch, S Moore, P McEvoy, J McGinley, M McCabe, M Miley, T Murray, J Neville, S O'Neill, J Pender, R Power, S Power, T Redmond, D Scully, M Stafford, M Wall, P Ward and B Young

**Apologies:** Councillors I Keatley (Mayor), N O'Cearuil, F McLoughlin-Healy,

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

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**01/1116**

**Vote of Sympathy**

The Deputy Mayor welcomed the members to the meeting and he extended sympathy to the families of the late

Micheal Fogarty, uncle of the Mayor, Councillor Ivan Keatley

James Carroll, father of Joe Carroll, Athy Municipal District

Sylvia Makhuza, mother of Paul Makhuza, Planning Department

Kate Mitchell-Byrne, step-sister of Carmel Hutchinson, Kildare town Library

Bernadette Keane, mother of Anthony Keane, Naas Library

Michael (Mick) Dempsey, former employee of the Northern Area Office.

**02/1116**

**Adoption of minutes**

The council considered the minutes of the monthly meeting of 24 October 2016 together with the progress report.

**Resolved** on the proposal of Councillor Weld, seconded by Councillor McEvoy that the minutes of the monthly meeting of 24 October 2016 be adopted and the progress report noted.

The council considered the minutes of the special County Development Plan meeting of 10 October 2016 and adjourned special County Development Plan meeting of 12 October 2016.

**Resolved** on the proposal of Councillor Miley, seconded by Councillor Weld that the minutes of the special County Development Plan meeting of 10 October 2016 and the adjourned special County Development Plan meeting of 12 October 2016 be adopted subject to amendment to page 47 of the minutes of 12 October 2016 with regard to Motion 201, wording to be agreed with Councillor Cussen.

**03/1116**

**Disposal of Land**

**0.1406 hectares at Newbridge Industrial Estate, Newbridge**

Consent is sought for the disposal of the freehold interest in a plot of land measuring 0.1406 hectares as per drawing no. L/1273 to Coachside Limited/Hardale Developments Ltd., 22/24 City Quay subject to the conditions attached to the notice.

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

**Resolved** on the proposal of Councillor Weld, seconded by Councillor Miley, pursuant to Section 183 of the Local Government Act 2001 that the Council consent to the disposal of the land in accordance with the statutory notice dated 8 November 2016.

**0.314 hectares at Newbridge Industrial Estate, Newbridge**

Consent is sought for the disposal of the freehold title to Site 12 (Unit 17, measuring 0.314 hectares as per drawing no. L/1299 to Coachside Limited/Hardale Developments Ltd., 22/24 City Quay subject to the conditions attached to the notice.

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

**Resolved** on the proposal of Councillor Weld, seconded by Councillor Miley, pursuant to Section 183 of the Local Government Act 2001 that the Council consent to the disposal of the land in accordance with the statutory notice dated 8 November 2016.

**0.0411ha at the rear of 905 and 906 Moorefield Crescent, Langton Road, Newbridge.**

A plot of land measuring 0.0411 ha at the rear of 905 and 906 Moorefield Crescent, Langton Road, Newbridge to be transferred to Pat and Louise Byrne subject to the conditions attached to the notice.

In accordance with Section 183 of the Local Government Act 2001, statutory notice dated 11 November 2016 was circulated to the members.

**Resolved** on the proposal of Councillor Weld, seconded by Councillor Miley, pursuant to Section 183 of the Local Government Act 2001 that the Council consent to the disposal of the land in accordance with the statutory notice dated 11 November 2016.

**1.88 acres (approx) at Carton, Maynooth**

A plot of land measuring approximately 1.88 acres at Carton Maynooth to be transferred to Maynooth Community Church subject to the conditions set out in the notice.

In accordance with Section 183 of the Local Government Act 2001, statutory notice dated 16 November was circulated to the members.

**Resolved** on the proposal of Councillor Weld, seconded by Councillor Miley, pursuant to Section 183 of the Local Government Act 2001 that the Council consent to the disposal of the land in accordance with the statutory notice dated 16 November 2016.

Councillor Cronin requested that the money that is raised from the sale of the land at Carton be ring fenced for a Community Centre at Maynooth.

Mr Minnock, Director of Services stated that there were strict conditions attached to the transfer which were outlined in the statutory notice which has been approved by the members and that it was not possible to ring fence money for this purpose.

There was a brief discussion welcoming the transfer of the land at Carton with members thanking the Chief Executive and his staff for their work on this good news story for Maynooth.

**04/1116**

**Management Report**

Councillor Pender referred to the 84 applications approved under the Self Help scheme and enquired if there would be sufficient funding for the additional 84 valid applications in 2017. Mr McDonnell explained that the scheme only commenced in the latter half of 2016 and therefore the 2016 allocation has not yet been spent but it will be ring fenced and made available in 2017.

**Resolved** that the monthly Management Report be noted

#### **05/1116**

##### **Audit Report and Audit Committee Report**

Ms Hanlon referred to the Local Government Audit Service Statutory Audit Report for the year ended 31 December 2015 and to the Audit Committee Report circulated to the members. The Audit Report has been approved by the Finance Committee and the Audit Committee and she asked the members to note both reports.

**Resolved** that the Local Government Audit Service Statutory Audit Report and the Audit Committee Report be noted.

#### **06/1116**

##### **Presentation from Kildare Failte**

Mr Tony Lenihan, Chairman of Kildare Failte and Phil Donnelly, Kildare Failte outlined the 2016 highlights to the members. A new mobile friendly digital platform aimed at driving tourism business in the county was launched. The Foodscape Kildare App is now available for down load and this is proving very popular. Kildare Failte engaged with the Business Tourism Programme through Team Kildare and Connect 16 Showcase. This was the first time that all of these businesses came together for such an event.

The presentation outlined Kildare's key flagship experiences through the Ireland's Ancient East initiative, the Kildare Rose Day, Foodscape Kildare Paddock at the Dubai Duty Free Irish Derby, The Foodscape Miele Event with Clodagh McKenna, Punchestown and the Dubai Duty Free Irish Open 2016.

The summary of activity planned for 2017 includes the launch of the Strategic Plan which will build on the developments of 2016, continue the rollout of the Digital Platform and Strategy which will support activity across the municipal districts. It is proposed to host a global calendar of festivals and events online and participate in key trade shows and support flagship experiences under Ireland's Ancient East. Kildare Failte will continue to develop business and food tourism through engagement and affiliation with tourism agencies and travel journalists.

The Mayor, members and the Chief Executive congratulated Tony and Phil on their presentation and thanked them for their work and commitment during 2016.

There was a brief discussion around the work of Kildare Failte and Tony and Phil withdrew to the Committee Room for further engagement on an individual basis with the members.

## **07/1116**

### **Draft Allocation Scheme**

Ms Aspell, Senior Executive Officer gave a presentation to the members on the Draft Allocation Scheme which has been prepared in accordance with Section 22 of the Housing (Miscellaneous Provisions) Act 2009 and Social Housing Allocation Regulations 2011 (S.I. 198 of 2011).

While not a mandatory requirement, the 2011 Regulations and accompanying circular signify the intention that local authorities move to a uniform allocations model based on time on the list to promote consistency and transparency across local authorities. The Draft Allocations Scheme has been considered by the Housing Strategic Policy Committee at a number of meetings during the year and has also been approved by the Corporate Policy Group. The input of the members of the Strategic Policy Committee and the Corporate Policy Group has been taken into consideration in finalising the draft before the members.

Ms Aspell outlined the difference between the old and the new schemes and explained how issues such as succession of tenancy, transfer policy, HAP clients, and mutual transfers will be addressed through the new scheme. It also allows for priority status to be given to certain applicants having regard to their circumstances and in accordance with the criteria set out.

The Mayor thanked Ms Aspell for the comprehensive presentation and asked the members for their approval to the scheme.

Councillor Wall proposed the adoption of the scheme and this was seconded by Councillor Miley. The members contributed to a lengthy debate raising issues such as how the approved housing bodies will be dealt with, the categories of homelessness, the contention that a points based system is fairer, the transfer policy and how it relates to HAP applicants, the priority status and how those fleeing domestic violence will be dealt with under the new scheme. The issue of the assessment of need was questioned and how applicants apply for the list, how the long term need of a single person as opposed to a person with children will be determined and who will evaluate such applications.

Mr McDonnell explained that this is an allocations scheme; it is not an assessment of how a person becomes eligible for inclusion on the list. All applicants are assessed in accordance with

the Assessment Regulations and when they are on the housing list; any allocation will be prioritised based on their time on that list under the scheme now before the members. He acknowledged that this scheme will not solve all problems and he welcomed the engagement of the members through their representations but he confirmed that the function of the allocation of a unit is an executive one. Mr McDonnell confirmed that if schemes run by Voluntary Housing Bodies have received 100% capital funding, then the council have 100% nomination rights. The work of the Strategic Policy Committee was acknowledged and the appeal procedure was outlined. There was a suggestion that great care should be taken in the allocation of units in new estates with the emphasis on creating sustainable communities. The issue of the position of HAP applicants was again raised and Mr McDonnell confirmed that their time on the list will not be lost. He also confirmed that the eligibility limits for inclusion on the housing list were statutory. The Chief Executive acknowledged the work of the Strategic Policy Committee and the significant contribution of the members. He said that the scheme will provide the framework for a fair and balanced approach.

**Resolved** On the proposal of Councillor Wall, seconded by Councillor Miley, with 30 members voting in favour, 2 members voting against and 1 member abstaining, the Draft Allocations Scheme for Social Housing was adopted.

### **08/1116**

#### **Environmental Services and Water Strategic Policy Committee**

Councillor Sean Power, Chairman of the Environmental Services and Water Strategic Policy Committee outlined the membership of the committee and updated the members on the work schedule for 2016. The policy issues considered by the committee from June to October 2016 included the Control of Horses Bye-Laws, Climate Change Adaptation, Cemetery Bye-Laws, Dog control, Pay by Weight, Distribution of Residents Association Grants, Tidy Towns, the Water Framework Directive, the Waste Management Plan, the Drehid Waste Facility and Nuclear free Local Authorities. Councillor Power outlined the actions agreed arising out of the consideration of these policy issues and he updated the members on the current position.

The Deputy Mayor thanked Councillor Power for the comprehensive presentation.

The members contributed to a discussion around the policies under review by the committee and Councillor Power and Mr Boland, Director of Services addressed the issues raised by the members.

**09/1116**

**Meetings Calendar 2017**

The Meetings Administrator referred to the 2017 Meetings Calendar circulated to the members and asked for their consideration and approval of the scheduled meetings.

Councillor R Power asked that the Naas Municipal District meeting be changed to 9.30am on the Tuesday rather than the 2pm noted in the calendar.

The Meetings Administrator said that this could be facilitated but would require a change in Standing Orders for the Naas Municipal District which must be agreed by the members.

**Resolved** that the Meetings Calendar for 2017 be noted

**10/1116**

**Vacancy on the Audit Committee**

The Deputy Mayor referred to the report dated 18 November 2016 informing the members that Ms Suzanne Healy recently tendered her resignation to the Audit Committee. Ms Healy was a valued contributor to the work of the Committee.

Under the Local Government (Audit Committee) Regulations 2014 it is a function of the Corporate Policy Group to put forward a nomination, following consultation with the Chief Executive. Having taken all of the requirements into consideration, the Corporate Policy Group has nominated Ms Audrey Kilgallon to fill the vacancy on the Audit Committee.

**Resolved** on the proposal of Councillor McGinley, seconded by Councillor McEvoy the appointment of Ms Audrey Kilgallon to the Audit Committee was approved.

**11/1116**

**Mayor's Business**

The members were informed of the signing of the contract for the construction of 20 houses in Kilcock with work expected to begin next week.

Kildare County Council took first place with the 1916 Sackville Street Art project in the Sustaining the Arts Award at the Chambers Ireland Excellence in Local Government Awards at a ceremony on 24 November 2016. The Chief Executive thanked the Decade of Commemoration committee and Marian Higgins and her team for their work.

The Pride of Place awards ceremony took place at a gala event in Belfast Waterfront Hall and McAuley Place, Naas won an award in Category 6, the Age Friendly Community Initiative award.

Kildare County Council, Health and Safety received a national award for good practice for older members at work. The Chief Executive extended his thanks to Michael Hurley and his staff.

### **12/1116**

#### **Correspondence**

The Meetings Administrator informed the members that three items of correspondence had been circulated with the Progress Report.

Councillor Redmond referred to the response from the Minister for Health Simon Harris regarding the accident and emergency facilities at Naas and Portlaoise hospitals. He stated that the letter from Minister Harris does not give assurance regarding the future of the Accident and Emergency unit at Portlaoise hospital. Councillor Redmond asked for the agreement of the members to write again to the Minister requesting clarification on this point.

The Deputy Mayor and members agreed to request clarification from Minister Harris.

Councillor Murray referred to the letter of from the Chief Superintendent which stated that since May 2015, 25 Probationer Gardai have been allocated to the Kildare Division. Councillor Murray said that while this was welcome, the difficulty is that in managing these resources, the matching number of fully qualified gardai is required.

The Deputy Mayor acknowledged the validity of this point and suggested that this matter could be raised at the next meeting of the Joint Policing Committee.

### **13/1116**

#### **Motion from the Athy Municipal District**

The following motion from the Athy Municipal District was considered

The Athy Municipal District members agreed to request support from full council that it proactively creates a public awareness campaign before the re-advertisement of the scheme for traffic calming/signage under Jake's Law in order to encourage uptake of the scheme county wide.

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

Councillor Wall said that the Athy Municipal District members were disappointed to note that there were no estates for Athy included in the first round of applications for this funding. He asked the Director for an update on the present position. Councillor Wall said that there is momentum gathering on this initiative and he encouraged an immediate publicity campaign around awareness in the advertising of the scheme for funding in 2017.

Mr Morrissey, Director of Services stated that there is a tendering process underway for work in the 16 estates who responded to the 2016 edition of the scheme. He said that the advertisement for the next scheme will be ready for publication before Christmas but it may be worthwhile to



leave this until early January and he would be guided by the members on that. He assured the members that there will be an awareness campaign and that all methods of communication will be used including the Public Participation Network, print and social media.

The members agreed that advertising the next round of the scheme should proceed as soon as possible.

**Resolved** on the proposal of Councillor Wall, seconded by Councillor Miley that the scheme for Traffic Calming/Signage under Jake's Law be advertised before Christmas.

### 14/1116

#### **Motion from the Kildare-Newbridge Municipal District**

The following motion from the Kildare Newbridge Municipal District was considered Kildare-Newbridge Municipal District at their October Municipal District meeting agreed to refer the following motion to full council "That this council explores with the Environmental Protection Agency (EPA), the oversight of quarries and other large extensive industries with a view that the Environmental Protection Agency (EPA) can assist with unauthorised development issues"

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

A report from the Planning Department outlined the response given at the October meeting of the Kildare-Newbridge Municipal District and added that the Environmental Protection Agency has advised that there are two scenarios where they could become involved.

- Where an operator is obliged or potentially obliged to hold an EPA licence for their activity - this would be a direct intervention and
- Under Section 63 of the EPA Act where it has a role in supervising performance of environmental statutory functions by local authorities.

In both of these cases, the Environmental Protection Agency is limited to environmental aspects so the planning aspects would be for the local authority to deal with.

Local authorities and other public agencies have a range of environmental protection functions and continue to have responsibility for enforcement. The Kildare Newbridge Municipal District members did not support the outsourcing of resources for what is essentially a local authority function.

Councillor Lynch noted the report and requested the support of the members to write to the Environmental Protection Agency in accordance with the motion.

**Resolved** on the proposal of Councillor Lynch seconded by Councillor Pender that the report be

noted and a letter sent to the Environmental Protection Agency.

**15/1116**

**Shared Ownership Loans**

The following motion in the name of Councillor Wall was considered

That the council confirm the up to date position with their shared ownership loans, the number on hand, the number in difficulty and if they have any word from the department in relation to assisting those with these difficulties at the moment.

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

A report from the Head of Finance stated that as of 21 November 2016, Kildare County Council has 301 shared-ownership loans. Of these, 63 are pre-2002 index linked loans and 238 are post-2002 shared-ownership loans. The status of these loans is  
116 are not in arrears or are in arrears of less than 3 months  
185 are in arrears of greater than 3 months. Of these 136 are in the Mortgage Arrears Resolution Process.

The remaining 49 loans in arrears but not in MARP is broken down as follows

23 on-going legal cases of which

4 at repossession stage

2 awaiting administration of the borrowers' estates and

17 pending legal proceedings.

26 loans are under review

In early 2016 the Housing Agency announced a loan restructuring programme for shared ownership loans. Under this scheme, qualifying borrowers will be offered the opportunity to transfer from a shared ownership loan to a standard annuity mortgage. There is provision in the scheme for the council to pay up to €1,000 of the borrower's legal costs where conversion goes ahead. A project team is being put in place and it is hoped to contact all shared ownership borrowers on a phased basis over the next three months to invite them to meetings to discuss the possible options in each case. In an effort to assist borrowers wishing to exit the shared ownership scheme in advance of this scheme, 16 loans have already been converted to standard house purchase loans since 2014.

The council continues to deal with distressed loans using the Mortgage Arrears Resolution Process and the Mortgage to Rent Scheme.

Councillor Wall thanked the Head of Finance and her staff for their work and the comprehensive report. He asked are we doing everything we can as a local authority and provider of housing to

ensure that people are permitted to remain in their own homes. Councillor Wall stated that the shared-ownership scheme was one of the worst schemes from a borrowers' point of view, it was complicated and applicants did not understand that at the end of the period of the loan even with all monthly payments being made, there could be anything from €60,000 to €80,000 outstanding depending on the size of the equity portion of the loan.

The members contributed to a lengthy discussion with broad agreement that the scheme was particularly complicated, that there was no requirement on the borrower to have independent legal advice, a statement that the scheme could be described as a sub-prime loan scheme which would result in repossessions and people requiring emergency accommodation and a call for contact to be made with the Housing Finance Agency to discuss possible write down of borrowings.

The Chief Executive intervened to state that borrowers' did receive legal advice and that there would be no write down of outstanding amounts.

Ms Hanlon reaffirmed that the liability rests with Kildare County Council to pay the Housing Finance Agency. She stated that there were a large number of successful shared ownership loans and that many people had achieved home ownership through the process. Ms Hanlon assured the members that this was not a sub-prime loan scheme and the liability rests with the borrower. Where possible and through discussion and agreement with borrowers, the schemes available will be used to assist people to remain in their own homes but she stressed that there must be engagement from the borrower.

The members appealed to the Chief Executive to take the view that Kildare County Council being a public body should agree to write down these loans.

The Chief Executive assured the members that there would be full engagement with the Housing Finance Agency but he stated categorically that there would be no write down of borrowings. He said that this was a national issue, that it is an executive function to collect outstanding money due to council and that in this regard he and his staff are subject to strict audit procedures and inspection from a number of different bodies.

**Resolved** that the report be noted

**16/1116**

### **Renewable Energy Meeting**

The following motion in the name of Councillor Redmond was considered

Following the recent announcement of turning down of planning permission for the Maighne Wind

project and since there has been a major increase in the number of renewable energy applications from solar farms we please ask the Mayor for a renewable energy meeting. The last such meeting the chair held was in December 2014 but there has been calls at council meetings for such a meeting.

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

A report from the Planning Department stated that the last meeting of the Energy Committee was held on 28 April 2015. The committee was made up of representatives from each of the political groups within the council and the main focus of attention was the area of renewable energy transmission, eg wind energy strategy, energy transmission infrastructure etc. The committee liaised closely and fed into the review of the County Development Plan. It is a matter for the members to consider and agree the establishment and or reinstatement of the committee.

Councillor Redmond stated that he requested a meeting of the Energy Committee at the Athy Municipal District meeting. He said that in view of the applications for solar farms such a meeting was necessary.

The Deputy Mayor stated that the Mayor, Councillor Keatley is setting up a meeting with the Minister.

A lengthy debate on the functions and role of the Energy Committee ensued. The recent decision from An Bord Pleanala stated that there was no local strategy on wind energy. While the meetings of the Energy Committee were worthwhile, it has no powers until the Wind Energy Guidelines are issued. There was broad agreement that the committee should meet when these guidelines are circulated and if a meeting is convened, it is hoped that all the members on the committee will attend.

Councillor Redmond proposed that the Energy Committee resolve to meet in the first quarter of 2017.

Mr Minnock, Director of Services outlined the immense pressure on staff in the Planning Department stating that he was reluctant to apply scarce resources in the absence of the guidelines. A meeting of the committee would create an expectation that is not achievable in the absence of the guidelines.

Councillor Redmond asked if the members had the power to call a meeting.

Mr Boland, A/Chief Executive advised that it was a matter for the members to decide if there was to be a meeting.

**Resolved** on the proposal of Councillor Redmond, seconded by Councillor Lynch that a meeting

of the Energy Committee be convened in the first quarter of 2017.

**17/1116**

**Housing Development Activity**

The following motion in the name of Councillor Doyle was considered

That a report be given on housing development activity in the county to include application numbers, commencement notices and pre planning discussions figures for previous 18 months by location with details on unit numbers and details of unit requirements to meet projections outlined in our draft County Development Plan, to include reference to proportion of planned social builds, acquisitions and Part V units.

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

A report from the Directors of Housing and Planning stated that Kildare County Council seeks to include Part V deals on the basis of the transfer of 10% of completed on-site units, subject to suitability and cost. The Housing Section engages with builders at pre-planning stage to ensure that potential applicants are aware of the Part V requirement and to ensure that planning applications include units which are suitable for use as social housing. Kildare County Council is at various stages of planning for the development of an additional 350 new build social units including units to be delivered through Public Private Partnership. The council is working closely with Approved Housing Bodies to deliver an additional 61 houses and 32 bed spaces. Houses are also being acquired outside of the Part V process. A copy of Table 3.4 from the County Development Plan indicating the number of units granted planning permission but not built was attached to the report.

There are currently 40 active housing developments in the county. In the last month, planning applications were received for a total of over 900 houses spread over different locations throughout the county. A breakdown of this information was circulated with the Management Report. Details of all planning applications are circulated to the members on a weekly basis and the number of commencement notices over the past three years is as follows

2014	348
2015	364
to Qtr 3 2016	359.

Councillor Doyle enquired if there were many one off houses included in those figures and she asked if we are equipped to keep pace with such intensive development. While Councillor Doyle acknowledged the receipt of the weekly list she said that she would prefer those in a format similar

to the housing report. She stated that the solution is not in the delivery of social units, it is in the delivery of units across the market.

Mr Minnock, Director of Services stated that there are consequences to the number of units that are being proposed. While there is capacity in Leixlip Treatment Works, it is not possible to get through the network and the essential upgrades will have to be delivered through Irish Water. Mr Minnock referred to the Local Infrastructure Housing Activation Fund (LIHAF) application currently with the Department. If the application is successful, Naas is poised for the delivery of 1,000 units on the Blessington Road

The members contributed to a lengthy discussion noting the dependence of Kildare on Dublin getting it right. The fact of people having no alternatives to a life spent in traffic thereby reducing family time, volunteering and all other quality of life issues was discussed. The members raised concerns about applications of 100 houses and over which will shortly go directly to An Bord Pleanála for decision. There was broad agreement that the market will not deliver the need and there was concern at the exorbitant rents in Kildare.

**Resolved** that the report be noted.

### **18/1116**

#### **Haul Routes**

The following motion in the name of Councillor Durkan was considered

That the council move forward the county speed limit review paying particular attention to the haul routes for the Drehid Landfill site with a view to reducing the speed limit on all haul routes to 60kph.

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

A report from the Roads Transportation and Public Safety Department stated that there are insufficient resources to complete the work programme including the review in as timely a manner as was hoped for. The process will be carried out in accordance with the guidelines set out and the details will be presented to the members when the review is complete.

Councillor Durkan stated that there have been a huge number of representations from people living beside the haul routes and he asked for a timeline on the completion of the county speed limit review.

The members contributed to a discussion around the difficulties being encountered by the public living beside these routes, shortcuts being used, the shortage of resources and they requested an

update on the expected date for An Bord Pleanála's review of the haul routes and the levies. Mr Morrissey, Director of Services stated that the priority is to get the county review underway in January. There will be no temporary speed limits until the full comprehensive review has been carried out. He said that there is no clear indication as to when there will be a response from the determination of An Bord Pleanála but he assured the members that they will be kept informed.

**Resolved** that the report be noted.

### **19/1116**

#### **Reduction of energy and waste**

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

In recognition of climate change and the responsibility of everyone to work towards waste reduction, that this council writes to Government to ask that Ireland do as France has done and implement a ban on plastic cups, cutlery and table-ware by 2020 and that Kildare County Council as one of the largest employers in the county voluntarily initiate implementation of this policy to ensure that any disposable dishware/cutlery is biodegradable as soon as possible. The aim is to reduce significantly the energy used and the waste produced by the plastic industry to help us reach European environmental targets.

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

Councillor O'Neill requested the support of the members for her motion and she outlined the background to the amount of plastic still going to landfill.

Following a brief discussion where the comprehensive research carried out by Councillor O'Neill was acknowledged there was broad agreement from the members on the motion.

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

### **20/1116**

#### **Vacant Houses**

The following motion in the name of Councillor Lynch was considered

That council provides a list of all houses, in any condition, which are not inhabited by a person which are in their possession; regardless of the council's internal classification of vacant, idle, unfit for habitation etc. Following agreement at the term of the new council, councillors now receive a

list of vacant houses, but it now appears that the term vacant is being misrepresented by the council officials as many vacant houses are not on the list we receive.

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

A report from the Housing Department stated that the vacant house report is circulated with the monthly management report and a separate report is issued to the relevant municipal district meetings on a monthly basis. This vacant house report is intended to update the members on casual vacancies in the Council's housing stock. The list does not include new acquisitions which are reported separately under the Housing Strategy and which are often vacant after purchase pending the completion of essential works prior to allocation. In addition, the Housing Department takes responsibility for repossessed properties and makes a determination whether to acquire the unit for social housing purposes or dispose of it as appropriate. These units are not available for social housing purposes and are not recorded as such. There are a number of vacant units which are part of a regeneration scheme which are not included in the report. This is consistent with the method in which performance indicators are reported to the National Oversight and Audit Commission on an annual basis. There are a small number of derelict units which were considered for refurbishment under the voids programme but were deemed beyond repair and these are being reviewed in the context of the Capital Programme.

Councillor Lynch stated that the vacant house list circulated to the members is totally incorrect. He said that members should be able to accept a report on face value and not have to drill down to discover that there are several other vacant properties which are not included in the report. Councillor Lynch said that he had raised this matter at municipal district level following his discovery of 2 derelict properties not included in the report. He said that the figures were being intentionally manipulated by the officials and that the members were still not getting the full picture. He stated that he found this false information misleading and distasteful.

Mr McDonnell, Director of Services said that he found the allegations from Councillor Lynch distasteful. He stated that the information given to the members was correct and he explained his report on the motion.

The Chief Executive called on Councillor Lynch to remove from the record his allegations of 'false information, misleading, manipulation of information and distasteful'.

A heated discussion on the motion ensued.

On the proposal of Councillor Miley, seconded by Councillor Weld the following motion was proposed

That this council rejects the allegations made by Councillor Lynch on Motion 21 that accuse the



department of deliberately giving misleading information.

The Deputy Mayor referred to Standing Orders and ruled that the members take a vote on the original motion from Councillor Lynch.

The Chief Executive agreed but said that he was asking the members to acknowledge the fact that there was no intent on behalf of the officials to provide misleading information.

**Resolved** on the proposal of Councillor Lynch, seconded by Councillor Redmond with 22 members voting against, 5 members voting in favour and two members abstaining, the motion was defeated.

The Chief Executive again asked Councillor Lynch to withdraw his allegation that staff had intentionally misled councillors.

Councillor Lynch said that he withdrew the allegation that it was done on purpose.

## **21/1116**

### **List of unoccupied private properties**

The following motion in the name of Councillor Cussen was considered

That Council give an undertaking that they will compile a list of private properties (houses) that are currently unoccupied/vacant/abandoned in Kildare that could be suitable for purchase and initiate possible interventions to work proactively with the property owners.

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

A report from the Corporate Services department stated that Kildare County Council is using every means possible to identify and source properties for acquisition. Under the derelict sites legislation, the Environment department is cognisant of the urgent need for appropriate properties and keeps a watching brief in this regard. It is difficult to give the undertaking as required by the motion but the council is willing to work proactively with the members to ensure that all possible interventions are pursued.

Councillor Cussen stated that AIRO (All –Island Research Observatory) and the central statistics office have actually identified where all these houses are. She called for the Housing Strategic Policy Committee to contact AIRO and proactively work with the owners of the properties with a view to acquiring them for social housing purposes.

Ms Kavanagh, Director of Services stated that houses are vacant for a myriad of reasons and may not be for sale but she said that the council will contact AIRO and examine the list.

Mr McDonnell, Director of Services stated that the Housing Agency has extracted the data from AIRO and that there is a pilot project underway in Carlow and Wexford on this initiative. Kildare sought to engage on this pilot project but were asked to await the outcome.

**Resolved** that the report be noted.

### **22/1116**

#### **Facilities in the Chamber**

The following motion in the name of Councillor Moore was considered

That the Chief Executive and Director of Corporate Affairs arrange to supply hearing facilities for members who are unable to hear the contents of replies/discussions/contributions to debates and business in the main chamber for members meetings of Kildare County Council.

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

A report from the Facilities Manager stated that the sound system in the chamber has been re-programmed to facilitate the use of headphones. A number of sets of headphones have been ordered and will be available top the members in the next two weeks.

Councillor Moore thanked the Chief Executive for the report.

**Resolved** that the report be noted

### **23/1116**

#### **Legalisation of Cannibas for Medicinal Use**

The following motion in the name of Councillor Young was considered

In the light of recent survey evidence supporting the legalisation of cannibas for medicinal use, the recent public discussion about decriminalisation of recreational drugs involving Dublin footballer Philly McMahon and a recent article in the British Medical Journal arguing for the legalisation of recreational drugs due to the failure of the so-called 'war on drugs', Kildare County Council resolves to discuss this matter.

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

Councillor Young outlined the background to his motion and asked the members to agree to a presentation from Citywide on this issue.

**Resolved** that Citywide be invited to make a presentation to the members.

The meeting concluded.