

## KILDARE COUNTY COUNCIL

### Minutes of Monthly Meeting of Kildare County Council

Held at 2.00p.m on Monday, 27 July 2015  
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 Lawless, J McGinley, F McLoughlin-Healy, 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. J Boland, (Director of Services), Ms. B Sweeney (A/Head of Finance), Mr. J Coppinger, Ms Christine O'Grady and Mr. G Perry, (A/Directors of Services), Ms. A. Aspell (Meetings Administrator) and other officials.

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**01/0715**

### Adoption of minutes

The council considered the minutes of the monthly meeting of 29 June 2015, together with the progress report.

**Resolved** on the proposal of Councillor Caldwell, seconded by Councillor Moore, that the minutes of the monthly meeting of 29 June 2015 be adopted and the progress report noted.

### Matters Arising

Councillor McGinley asked for an update on the North Kildare Swimming pool. The Chief Executive confirmed that representatives from K Leisure have visited the facility in Maynooth and have sought further information to enable them to prepare a report. He confirmed that he had met the Minister with Deputies Durkan and Stagg and they discussed the objective of the provision of a pool for North Kildare. The challenge is the provision of a facility in the short term. The Chief Executive confirmed that a proposal would be drafted and he would revert to the members. There was a discussion around the provision of a pool in North Kildare with members stating that they wished to progress the long term goal of the provision of a pool in Leixlip and that this was a separate issue to the joint approach with Maynooth University being explored at present. Concern

regarding the imminent closure of the Maynooth pool on the 31st August was discussed thus highlighting the urgency of the issue.

Councillor Cussen asked that the Vacant House list be included as an item for discussion at the monthly meeting. She stated that it was not her intention to have it disappear off the progress report, she had merely asked for time to discuss it. The Chief Executive agreed to include the Vacant House list in the progress report of the monthly meeting as was the case heretofore. Councillor Cussen referred to the motion regarding the Strategic Policy Committees and asked that the Members Net be checked to ensure that the adopted minutes were available there.

Councillor Moore asked that the decision by the Protocol Committee regarding the attendance of members at Strategic Policy Committee meetings be circulated to all members.

Councillor Cronin asked was there a response from Minister Alan Kelly regarding the Wind Turbine Bill. It was confirmed that an acknowledgement was received.

Councillor Young referred to correspondence from the Office of the Minister for Finance regarding variable mortgage interest rates and said that it was disappointing to note that the Minister was not going to do anything. The Mayor intervened and said that a debate on this issue was not appropriate at this stage of the meeting. Councillor Young stated that he wanted it on the record that he considered the response from the Minister to be completely inadequate and unacceptable.

## **02/0715**

### **Votes of Sympathy**

The Mayor called on Councillor O'Loughlin to lead the tribute to the late former Councillor Paddy Aspell.

Councillor O'Loughlin said that the former Councillor Patrick (Paddy) Aspell was a great character who had a huge love of politics and sport, in particular boxing and the GAA. He was first and foremost a great family man. Together with his late wife Nancy, he ran Aspell's pub for many years. His children, sons Patsy and Murty, daughters Marguerite and Bernie, and his grandchildren and great-grandchildren will feel a great loss at his passing. He was a renowned councillor and served the people of Newbridge, the Curragh and Kilcullen particularly well. Councillor O'Loughlin referred to the moving tribute paid to the late Paddy Aspell by Christy Howard at his funeral and she further extended sympathy to Paddy's sister Kitty, whose husband Tom and his sister died shortly after Paddy. The Mayor and the members joined in extending their condolences to the Aspell family recalling a man who was a community person at heart with his involvement in boxing, GAA, and pitch and putt. The Chief Executive on behalf of the staff

acknowledged the great service to public life that Paddy Aspell had made and extended condolences to the family.

Sympathy is extended to the family of the late:

Mr Paddy Aspell, former member of Kildare County Council and Newbridge Town Commission

Ms Pauline O'Grady, mother of David O'Grady, NRO

Mrs Margaret (Peggy) Murphy, mother of Cliona Murphy, Environment Section

Mr Desmond (Des) Dunnion, father of Don Dunnion, Architects Section

Mr PJ Farrell, father of Aidan Farrell, NRO

Ms Mary Melia, sister of Catherine Dunne, Library Service

Mrs Anna Murphy, mother-in-law of retired Councillor Liam Doyle

### **03/0715**

#### **Management Report**

The members considered the monthly Management Report.

**Resolved** that the Monthly Management Report be noted.

### **04/0715**

#### **Mayor's Business**

The Mayor attended the National Day of Commemoration at the Royal Hospital, Kilmainham.

The Mayor congratulated the Kildare minor and Kildare ladies football teams on their recent victories.

### **05/0715**

#### **Correspondence**

The Meetings Administrator read a letter from the Rehab Group informing the members that 2015 marks the 41<sup>st</sup> People of the Year Awards which will be televised live on RTE 1 on Saturday, 5 December 2015. The Awards seek to honour those who have made a difference to people's lives, whether they are unsung heroes or household names. Members are encouraged to make nominations by completing the nomination form and sending it directly to People of the Year Awards, Rehab Group, Roslyn Park, Sandymount, Dublin 4 or logging onto [www.peopleoftheyear.com](http://www.peopleoftheyear.com) and completing the nomination form.

**06/0715**

**Conferences and Training**

The Meetings Administrator referred to report dated 23 July 2015 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 proposal of Councillor Keatley, seconded by Councillor O'Rourke, that the members approve the attendance of:

Councillors Murray, Dalton, Callaghan and Keatley at the AILG Autumn Seminar in Inchydoney, Clonakilty, Co. Cork on 1 and 2 October 2015

Councillors Murray, Hillis, and Dalton at Module 5, Roads Transportation and Urban Traffic Planning at Tullamore Court Hotel, Tullamore on 6 October 2015

Councillors Caldwell and O'Neill at the LAMA Autumn Seminar in Hotel Kilkenny, College Road, Kilkenny on 9 and 10 October 2015

Councillors Murray, O'Neill and Hillis at Module 6, New Regional Assembly Structure at the Red Cow Hotel, Dublin on 14 November 2015

Councillors Crowley, Miley, Dalton and Kennedy at the MacGill Summer School in the Highlands Hotel, Glenties, Co. Donegal on Friday 24 July 2015 – retrospective approval.

**07/0715**

**Presentation from the North Kildare Chamber of Commerce**

The Mayor welcomed Allan Shine, Chief Executive Officer and Vivien Cummins, President of the North Kildare Chamber of Commerce to the meeting.

Councillor O'Neill asked for clarification on how such presentations were selected. The Mayor confirmed that it had been agreed by the members at the June meeting to include this presentation on the July agenda.

Mr Cummins and Mr Shine outlined the background to the work and positive impact of the Chamber of Commerce. They outlined the revised structure of the county in line with the five Municipal Districts and proposed a 'One County, One Chamber' approach. By incorporating the towns into their respective Municipal Districts, the outlying areas will be captured and the agribusiness sector will have a platform to become involved. Mr Shine outlined all the businesses that are affiliated to the Chamber and the possibility for further expansion of the role. He cited the success of the Business Expos, and looked forward to working collaboratively with Kildare County Council.

The Mayor and members thanked Mr Cummins and Mr Shine for their presentation and broadly welcomed the approach. The presence and commitment of the Chamber to the Strategic Policy

Committees and the Municipal District structure was important and the excellent initiative of the Business Expos was commended. The logistics of the amalgamation and the previous attempts at such a structural revision were discussed with some members expressing reservations on how successful the new approach would be.

Mr Cummins elaborated further on the rationale behind the proposed change. He said that it would require a strong sub-committee structure feeding through to a one county structure. The problems that are being identified are the same and a committee made up of strong representation from the five districts would have the potential to achieve greater results.

The Chief Executive wished Mr Cummins and Mr Shine every success and thanked them for their positive engagement and collaborative approach. He said that Kildare was a dynamic county and that he was confident of its growth and expansion.

The Mayor thanked the North Kildare Chamber of Commerce for their presentation to the members and looked forward to working with them in the future.

## **08/0715**

### **Invitation to attend Sister City Summit**

The Meetings Administrator informed the meeting that Kildare County Council was represented at a meeting in the Mansion House on 22 June 2015, the purpose of which was to discuss a “gathering event in Ireland of Irish twin/sister cities” in April 2016. The gathering will be structured around a two day Summit in Dublin over the weekend of 23 and 24 April 2016, with each Sister City being invited to visit its respective Irish twin/sister city/county either before or after the Summit. The Summit is being co-ordinated by Dublin City Council. Each local authority has been asked to obtain the approval of full council or municipal district, as appropriate, at their July meetings, to issue invitations to Sister Cities and a template for the invitation has been provided **Resolved** with all members in agreement, that an invitation issue to Lexington, Kentucky, to attend Sister City Summit in Dublin in April 2016 and to attend a local event to complement the Summit.

## **09/0715**

### **Update from Decade of Commemoration Committee**

Ms Higgins, A/County Librarian, updated the members on the comprehensive and inclusive programme of events scheduled for the Decade of Commemoration. She thanked the facilitators and the note takers at the recent consultations, where over 450 people engaged in the process. Over €45,000 will be given out in grants with 90 projects and circa 300 events planned. Ms

Higgins stated that she will attend the September Municipal District meetings to keep the members informed of progress.

Councillor O'Loughlin, Chairperson of the committee, thanked all the members and key officials for their work to date. She said that Kildare was well ahead of other counties and she extended particular thanks to the Historian in residence. The members joined in a discussion complimenting the work to date which they regarded as a mammoth project which was very inclusive and represented excellent value for money. The members encouraged the committee to seek national funding and funding under the Glór na Casca scheme.

Ms Higgins assured the members that all avenues are being explored in maximising the drawdown of direct funding and assistance is being given to community groups to enable them to apply for funding where schemes are available. The Chief Executive thanked the committee and said that he was very proud to hear the details of the programme of events for Kildare.

The Mayor said that Kildare were in the top two or three with regard to presentation and he thanked Councillor O'Loughlin, Ms Higgins and the members of the committee for all their hard work.

## **10/0715**

### **Hosting of Ceremonial Functions and Conferring of Civic Honours**

Councillor Scully, Chairman of the Protocol Committee informed the members that the Protocol Committee has developed revised protocol and procedures for the Hosting of Ceremonial Functions and Conferring of Civic Honours in order to recognise the role of municipal districts in accordance with Schedule 3 of the Local Government Reform Act 2014. The amendments to the protocol and procedures will allow for a civic honour to be conferred by the members of a municipal district in recognition of a service which is of relevance to a community within the municipal district. The revised procedures will also allow for municipal districts to host a civic reception in circumstances where this is more appropriate than the plenary council hosting the function. In making this recommendation to full council the Protocol Committee noted that each municipal district will need to make budgetary provision should they wish to confer civic honours or host functions.

**Resolved** that revised protocol and procedures for Hosting of Ceremonial Functions and Conferring of Civic Honours be noted and agreed by all members.

**11/0715**

**Protocol for Sharing Information**

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

That the council's housing section establish a new protocol with An Garda Síochána and the HSE in respect of the sharing of relevant and appropriate information between the three bodies in a more timely, proactive and structured manner than is currently the case.

The motion was proposed by Councillor O'Loughlin and seconded by Councillor O'Rourke.

A report from the A/Director of Services, Mr Perry, stated that the housing authority may, for the purpose of its functions under the Housing Acts of 1966 - 2014, request and obtain information from another housing authority, the Criminal Assets Bureau, An Garda Síochána, the Department for Social Protection, the Health Service Executive or an approved housing body, in relation to occupants or prospective occupants of, or applicants for, local authority housing. Kildare County Council has a close working relationship with the organisations in question and, in respect of its functions, under the Housing acts, receives full cooperation in this regard.

Councillor O'Loughlin stated that she had concerns about this issue and that the report did not alleviate those concerns. She said that she was not alone in receiving reports of Anti-Social Behaviour in both local authority and private estates. Sometimes, housing allocations are made without information sharing. This can create a living hell for neighbours resulting in some people having to leave their own homes.

The members contributed to a discussion broadly supporting the motion but encouraging the Housing Authority to do more in relation to assisting people settle in their homes by ensuring that the relevant supports are in place and available. There was a concern that the motion was too broad and that there could be data protection issues and also concern that people could be discriminated against. The question of statistics in relation to sharing of information and key performance indicators around this issue was also raised. An Integrated Service Provision approach which would benefit all agencies was proposed and there was also a suggestion of involving the Private Rented Tenancy Board.

Councillor O'Loughlin thanked the members for their support. She said that she had deliberately left the motion broad because so that professionals would establish the protocol. She said that she would be happy to adopt an Integrated Service Provision approach but did not want to include the Private Rented Tenancy Board. She agreed to have the motion referred to the Housing Strategic Policy Committee for consideration.

**Resolved** that the motion be referred to the Housing Strategic Policy Committee.

**12/0715**

**Contract for the provision of public toilets**

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

That the council requests an Bord Uisce/Irish Water to take over the current contract with JC deCaux for the provision of public toilets in all Kildare Municipal Districts.

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

Mr Coppinger, A/Director of Services, informed the members that there are contracts for a number of these facilities and that there may be difficulties in getting out of these contracts. However, he said that if the members are in agreement, he will contact Irish Water.

Councillor Crowley stated that the public toilet contracts are a shambles. He said he wants to get rid of what he considers is a scandalous waste of money and he asked Mr Coppinger to make contact with Irish Water. Councillor Stafford said that he had already asked Irish Water and that the response was that such contracts were to remain with Kildare County Council.

**Resolved on** the proposal of Councillor Crowley, seconded by Councillor Young, that a letter issue to Irish Water in accordance with the motion and that this is a budgetary matter to be considered in the context of Budget 2016.

**13/0715**

**Policy on Rural Lighting**

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

That the council immediately develop a policy on the provision of rural public lighting, including how a person or community may qualify for the provision of lights and on the type of lighting that can be provided.

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

A report from Mr Coppinger, A/Director of Services, Roads Transport and Public Safety stated that, in determining public lighting provisions for Kildare County Council, relevant national policy needs to be considered. The National Energy Efficiency Action Plan 2009-2020 sets a target for the public sector to improve energy efficiency by 33%. Currently public lighting forms the majority of Kildare County Council's electrical energy usage. In order for the council to move toward a 33% energy reduction by 2020 public lighting within the county needs to be rationalised and economised. The primary function of providing public lighting is to enhance safety for road users during the hours of darkness. In rural settings it is considered best practice to exhaust all other road design options such as signing lining and advance warning prior to the use of public lighting. The one off nature of public lighting in rural locations and the associated civil and electrical costs in establishing the connections to the ESB supply network generally make the total life cost of rural



lighting unsustainable. Public lighting in rural locations also frequently presents challenging health and safety issues in the operation and maintenance of the units. This is primarily due to the non-standard rural characteristics of the roads and the proximity and exposure to live traffic.

Councillor Wall thanked Mr Coppinger for the report. He said that this matter had been debated on a number of occasions at the Athy Municipal District meetings. Recently, seven lights have been erected in Pollerton, Co. Carlow and 15 lights have been erected in Castlecomer, Co. Kilkenny. While Councillor Wall accepted that we must adhere to national policy, surely the same national policy must be considered by Carlow and Kilkenny local authorities. The people of rural Kildare are paying their property tax and Councillor Wall stated that all he is asking through this motion is that a policy on rural lighting be developed. His constituents cannot understand that their neighbours in Carlow and Kilkenny can get rural lights but that there is a complete ban on the provision of public lighting in rural Kildare.

The members contributed to a discussion supporting the motion and suggesting that this was a budgetary matter which should ultimately be decided by the members.

Mr Coppinger said that he will move towards preparing a policy on public lighting to be considered in the first instance by the Roads Transportation and Public Safety Strategic Policy Committee.

**Resolved** on the proposal of Councillor Wall, seconded by Councillor Breslin, that a policy on Public Lighting, to include the provision of rural Public Lighting be prepared and submitted to Roads Transportation and Public Safety Strategic Policy Committee.

## **14/0715**

### **Public Consultation Model**

The following motion in the name of Councillor McLoughlin-Healy was considered:

That the council outline and review its public consultation model specifically as it relates to informing people affected by council decisions/planning. Time and again, constituents, significantly and sometimes detrimentally affected by council decisions, complain that they were not informed and were unaware that those decisions were being taken. It is not sufficient to argue that the public must be aware of public consultation notices in local newspapers at all times to ensure that they are not affected by planning decisions. There is a responsibility on the council to ensure that where constituents are significantly affected by a planning decision, especially financially, that reasonable attempts are taken to inform them.

The motion was proposed by Councillor McLoughlin-Healy and seconded by Councillor Durkan.

A detailed report setting out the public consultation model as it relates to informing people affected by council decisions on planning applications and contained within the Planning and Development Regulations 2000-2015 was provided by Mr Kavanagh, Senior Executive Officer, Planning Department. The report referenced Articles 17, 27, 31, 32, of the regulations.

With regard to the county development plan, a planning authority is obliged every six years to make a development plan. Not later than four years after the making of a development plan, the council is required to give notice of its intention to review its existing development plan and to prepare a new development plan. In accordance with the Planning & Development Act, notice is given to the Minister, any prescribed authorities, any adjoining planning authorities, the Board, any relevant regional authority, etc. Notice is published in one or more newspapers circulating in the area to which the development plan relates with the notice indicating that submissions or observations made be made in writing to the planning authority within a specified period. The members will be aware that, following publication of the county development plan Issues Paper, a number of public consultations were widely advertised with subsequent public meetings held in each municipal district earlier this summer. Information on the development plan is also available on the council's website.

The planning authority is satisfied that it meets its obligations under the planning legislation and at present does not propose to carry out further notification procedures other than those currently stipulated in the planning regulations.

Councillor McLoughlin Healy stated that she was always disappointed when a report refers to the minimum requirements by law. She said that processes should be transparent and that the council should adopt a more proactive and targeted approach. It is her opinion that it is not sufficient for Kildare County Council to be limited to the processes outlined in the report.

Councillor McLoughlin Healy stated that, where rezoning of land is proposed, an advertisement in the local paper is not sufficient. She stated that there needs to be contact with the individual(s) involved. She stated that the motion was broader than the planning process; she cited the improvements to the Town Hall in Newbridge which are nearing completion and the absence of public consultation in the future plans for its use.

A debate followed with members expressing the wish for increased awareness while acknowledging the constraints that exist. There was general agreement that statutory requirements must be complied with and an acknowledgement that in addition to the statutory process, the use of social media to communicate information was progressive.

Mr Kenny, A/Director of Services, referred the members to the recent extensive consultation programme on the review of the County Development Plan. There were five facilitated public

consultation meetings, outside of normal working hours, publication of issues brochure, interviews and advertisements on radio, press releases through the print media and also through the Public Participation Network, schools, community groups, Face book and Twitter. Mr Kenny said that the consultation process was far in excess of that required by legislation.

The Mayor stated that Kildare County Council does comply with its legislative requirements.

Councillor McLoughlin Healy said that she would like to focus on when decisions are initiated by the council identifying the trigger that begins the consultation process.

The Mayor called for a vote on the motion; 14 members voted in favour and 8 members voted against the motion.

The Chief Executive stated that the statutory process will remain in place – that sets out the obligations of Kildare County Council. He said that a review could be initiated. He referred to the extensive process outlined by Mr Kenny in the recent consultation on the County Development Plan and complimented all involved. The Chief Executive also acknowledged the role of the local media in the process and stated that they do an excellent job.

**Resolved** with 14 members voting in favour and 8 members voting against, the motion was carried. The Mayor and members agreed that a review would take place on foot of this motion but that the statutory processes and procedures will remain in place.

**15/0715**

**Taking the Lead on Sustainable and Alternative Technologies**

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

That this council does not accept that we should be promoting sustainable and alternative technologies to reduce carbon footprints and conserve energy on buildings and seeking alternatives fuels for housing projects without taking the lead on this as a county council first. In line with this we seek expressions of interest from providers and installers of alternative energy sources; such as biomass, solar, waste to energy or any other form of progressive sustainable energy which could fuel main buildings controlled by the council to reduce energy costs over the long term, in an environmentally friendly manner.

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

A report from Mr Boland, Director of Services, stated that Kildare County Council has invested heavily in improving the energy efficiency of its housing stock. In 2012, a very significant programme was launched. This involved, inter alia, replacement of windows and doors, provision of energy efficient boilers, draught proofing, improvement to insulation (wall and attic) works etc. Some 290 units were, for example, upgraded in 2013 and a further 603 in 2014. It is estimated that the average energy improvement per unit is 70 kWh/m<sup>2</sup>/year resulting in an average saving per household energy/fuel bill of €945 per annum. On a pilot basis, Mr Boland stated that the Council provided solar water heating at the recently constructed Woodstock Lodge development in Ashy. It is actively looking at the feasibility of acquiring a derelict house (on Woodstock Street) and refurbishing it to a passive house standard. The Council also established its own Energy Management Team in 2010 and this, in turn, has co-ordinated a range of initiatives (27 to date) throughout the organisation. The following represent just a sample of work undertaken to date:-

- Automatic shut-down of computers and other IT equipment
- Install daylight/occupancy sensors on some of the library buildings
- Phased replacement of storage heaters
- Low Energy Day – 27<sup>th</sup> March, 2015
- Replacing car-park lighting in Áras Chill Dara with a more energy efficient system.

As part of a special pilot project relating to Naas Town Hall, funding of €35,000 was secured from Sustainable Energy Ireland, with a similar amount being matched by Kildare County Council towards the provision of LED lighting, insulation of attics, boiler replacement, smart heating controls etc.

Specifically in relation to Áras Chill Dara, its energy efficiency system includes:-

- Solar heating of hot water
- Rain water harvesting
- Intelligent lighting management

- Use of natural daylight, through reflector system
- Energy efficient boiler
- Building energy monitoring/report systems

The feasibility of introducing solar PV to facilitate heating electricity generation is currently being examined. Electricity consumption has been reduced by 19% since it opened in 2006. Finally, it should be noted that the Council's overall energy consumption has declined by 12% since 2009. In this context, the target saving for the public sector generally is 33% in respect of the period 2009-2020.

Councillor Lynch thanked Mr Boland for the report, but was disappointed that it was more focussed towards residential and there was no plan in place to use alternative technologies on existing facilities. He stated that it is the existing facilities that we should be looking at. He argued that with overall energy consumption declining by only 12%, we will miss the 33% target set for 2020.

Councillor Young supported the motion, but asked Councillor Lynch to consider an amendment. The following amendment was proposed by Councillor Lynch and seconded by Councillor Keatley: That this council does not accept that we should be promoting sustainable and alternative technologies to reduce carbon footprints and conserve energy on buildings and seeking alternatives fuels for housing projects without taking the lead on this as a county council first. In line with this we seek expressions of interest from providers and installers of energy conservation equipment and of alternative energy sources.

**Resolved** on the proposal of Councillor Lynch, seconded by Councillor Keatley, with all the members in agreement, the amended motion was carried.

## **16/0715**

### **Use of Local Property Tax**

The following motion in the name of Councillors Cronin and Cussed was considered:

That this council resolves that any Local Property Tax allocation will not be used to purchase a Chain of Office for any municipal district. 80% of Local Property Tax is retained locally to fund public services.

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

Councillor Cussed said that she was disappointed with the report which stated that this was a budgetary matter; adding that chains of office should not be purchased from Local Property Tax money.

The Mayor intervened and stated that this matter was a function for each Municipal District and it was very clear that the decision should be made at that level and it was, therefore, not appropriate to discuss the motion at full Council.

The Meetings Administrator clarified that it is not the case that a chain of office would be purchased using local property funding. As stated in the report this is a budgetary matter for consideration by the members in the context of Budget 2016.

**Resolved** that this is a matter for each Municipal District

## **17/0715**

### **Rates on Small and Medium Enterprise Sector**

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

That this council budgets for next year to provide a fund to ease the rates burden on the Small and Medium Enterprise (SME) sector. This initiative has been adopted in both South Dublin and Louth County Council. In order to be eligible for the fund, applicants must pay their commercial rates (including arrears) in full by the required date. The applicants must also participate in and complete an Economic Profiling Survey to be conducted by the council.

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

A report from the Head of Finance stated that in principle this scheme is one with definite merits and one which deserves being explored further as it has the benefit, unlike some other schemes, of being relatively straightforward to implement and would be of assistance to all small businesses. Any such scheme would have to be considered as part of the budget process for 2016. The major difficulty with this scheme, if implemented exactly as in South Dublin, is that the estimated cost for Kildare County Council would be in the region of €1million; - this would clearly have a very significant impact on the level of service the council could provide in other areas. A business support and development fund of €100,000 was included in the Kildare County Council budget for 2015 and subject to resources being available it would be recommended to continue the provision of a business support and development fund in 2016. The development of a policy with regard to the use of this business and development fund has been referred to the Economic Development, Enterprise and Planning Strategic Policy Committee and I would recommend that this forum could also further explore the possibility of implementing a scheme similar to the one proposed in future years, but which had a lesser impact on the other services Council provides.

Councillor O'Neill thanked Ms Hanlon for the report and said that she was happy to have the motion referred to the Economic Development, Enterprise and Planning Strategic Policy Committee.

**Resolved** on the proposal of Councillor O'Neill, seconded by Councillor Moore, that the motion be referred to the Economic Development, Enterprise and Planning Strategic Policy Committee.

## **18/0715**

### **Town Council Resources**

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

That the council outline for each of the former town councils within the county council area, where are the corresponding equipment, resources, and storage depots/service centres now located and have any of these towns experienced reduction in service as a result of the new structures.

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

A report circulated to the members from Ms O'Grady, A/Director of Services, stated that, in accordance with Chapter 2, Section 24 of the Local Government Reform Act 2014, the former Town Councils in the county were dissolved and became part of the structure of Kildare County Council on 1 June 2014. Each Town Council is now incorporated into a Municipal District with specific functions in accordance with the Act and subsequent regulations. The Act made legal provision for the reforms set out in the Government's Action Programme for Effective Local Government, Putting People First. In establishing the Municipal Districts the Minister gave effect to the recommendations of the independent electoral area boundary committee report published in May 2013. The functions carried out by the former Town Councils have been subsumed into the functions carried out by Kildare County Council. All functions, housing stock, resources, equipment formerly managed by the Town Councils are now managed by the appropriate department within Kildare County Council in line with the structure of Budget 2015. The storage depots remain within the functional areas of the relevant Municipal District. The alignment of the engineering areas in line with the Municipal District functional area that has taken place over the past year will further enhance the development of the Municipal District structure. Some services are provided by the Municipal District while others are provided centrally through staff in Áras Chill Dara. A dedicated Members Services unit was set up within Corporate Services and the team there assist the members in all aspects of their functions. To support the service to members, and service to customers, a Customer Relationship Management System is being developed which, as the members are aware, is currently being piloted by Members Services.

Councillor Lawless said that he was happy with the report and he acknowledged the work of the members' services team. He said that his concern was with equipment and the issue of staff being trained to use that equipment. The Mayor confirmed that each Municipal District was now responsible for such issues.

**Resolved** that the report be noted.

**19/0715**

**Rent Limits**

The following motion from Councillor Pender was considered:

That prior to the implementation of the new Housing Assistance Payment scheme, the council will seek an increase in the maximum rent limits that will apply to Housing Assistant Payments in line with the reality of the market value of rental properties in Kildare and calls on the Government to impose rent controls to avoid deepening the crisis in housing and homelessness.

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

A report from Mr Perry, A/Director of Services, stated that, while no firm date has been confirmed for the implementation of the Housing Assistance Payment in Kildare, it is anticipated that the scheme will be introduced during the course of 2015. Rent control is a national issue and if the members are in agreement, a letter will issue as requested

Councillor Pender asked the members to support the motion and have the letter issued. She stated that she has real concerns around the Housing Assistance Payment scheme and the affordability of rents in the absence of a higher cap. There was a discussion on the motion with members acknowledging that the proposal has merit noting that while the number of applications for housing assistance has reduced, the number of people losing their private rented accommodation is increasing by the week and this issue needs to be addressed.

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

**20/0715**

**Annual Charges on tables and chairs**

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

In an effort to assist small businesses in the local economy that this council seeks to eliminate annual charges on tables and chairs placed outside of shops, hotels and restaurants which are subject to approval under Section 254 of the Planning and Development Act.

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

A report from Mr Kavanagh, Senior Executive Officer, stated that the license fees under Section 254 of the Planning and Development Act in respect of specified appliances and structures are as set out in Schedule 12 of the Planning and Development Regulations. Fees for tables and chairs outside a hotel, restaurant, etc, are specifically identified in the regulations. The council has no discretion in setting these standard national fees.

Councillor Power thanked Mr Kavanagh for the report.

**Resolved** that the report be noted



**21/0715**

**Call on the Minister to Abolish Water Charges**

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

That this council immediately calls on the Minister to abolish domestic water charges and withdraw his support for Irish Water as Irish Water is deemed unfit for purpose by this council. The Government's new moves for bill collection will definitely penalise ordinary, hardworking families and vulnerable citizens and set a dangerous precedent as it raises the question as to whether utility and other bills can in future now be directly deducted from people's earnings.

The motion was proposed by Councillor Redmond and seconded by Councillor Lynch. Councillor Redmond stated that on 20 July 2015 the Civil Debt Bill was passed by the Seanad. The Bill when enacted will allow for unpaid water bills to be taken from wages and welfare payments. Councillor Redmond stated that this new move for collection of outstanding charges will adversely affect hardworking families. He referred to the bonus culture within Irish Water, the issues around data protection and PPS numbers, the leaks that were taking weeks to fix and he called on the members to support the motion. A lengthy debate followed with strong views for and against the motion.

In accordance with standing orders, six members requested a roll call vote.

The following members voted in favour of the motion

Councillors Cronin, Cussen, Lynch, O'Loughlin, O'Neill, Pender, R Power, Redmond and Young

The following members voted against the motion

Councillors Breen, Breslin, Brett, Dalton, Durkan, Hillis, Keatley, Kennedy, McEvoy, Moore, Neville, Scully, Stafford, and Weld

The following members abstained

Councillors Caldwell, Larkin and Murray

**Resolved** with 9 members voting in favour of the motion, 14 members voting against the motion and 3 members abstaining, the motion was defeated.

**22/0715**

**First Anniversary of the Attack on Gaza**

The following motion in the name of Councillor Young was submitted:

In the month of the first anniversary of the Israeli attack on Gaza in July 2014, the council notes that the United Nations Human Rights Council is gravely concerned by reports regarding serious human rights violations and grave breaches of international humanitarian law, including possible war crimes, committed in the Israeli military operations in the occupied Palestinian territory in 2008/2009 and in 2014, particularly in the Gaza Strip, which resulted in the killing of 1,462 Palestinian civilians, including 551 children and 299 women, and six Israeli civilians. These reports include the findings of the United Nations Independent International Fact-Finding Mission on the

Gaza Conflict, of the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict, and of the Boards of Inquiry convened by the Secretary-General. The council also notes that the United Nations Human Rights Council deplores the non-cooperation by Israel with the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict; the lack of implementation of the recommendations contained in the report of the United Nations Fact-Finding Mission on the Gaza Conflict of 2009; and the long-standing systemic impunity for international law violations that has allowed for the recurrence of grave violations without consequence for Israel. In the light of these matters, and in a context where the Department of Defence has a significant presence in County Kildare, the council calls upon the Minister for Defence and Department of Defence to stop buying military equipment from Israeli military companies, that profit from the continued blockade of Gaza and the denial of human and civil rights to Palestinians and to support United Nations Human Rights Council steps to force Israel to comply with international human rights law.

The motion was proposed by Councillor Young and seconded by Councillor Pender. Councillor Young said that it is now a year since the Israeli attack on Gaza and in addition to the points outlined in the motion, he asked why the Irish Government is buying military equipment from Israeli military companies.

A lengthy debate on the motion followed with issues around Irish neutrality, equality legislation, quality of goods purchased, concern regarding this forum being used to discuss International affairs, the position of Amnesty International on this issue and comparisons with Dunnes Stores workers being raised. Councillor Young responded and claimed that if you buy weapons you support that State and, therefore, you are taking a side. He said that if you ignore the action of an oppressor, you side with that oppressor.

In accordance with standing orders, six members called for a roll call vote on this motion.

The following members voted in favour of the motion

Councillors Cronin, Cussen, Lynch, O'Neill, Pender, Redmond and Young.

The following members voted against the motion

Councillors Breen, Breslin, Brett, Caldwell, Dalton, Durkan, Hillis, Keatley, Kennedy, Larkin, Lawless, McEvoy, Moore, Murray, Neville, O'Loughlin, R Power, Scully, Stafford, Ward and Weld

The following member abstained

Councillor O'Cearuill

**Resolved** with 7 members voting in favour, 21 members voting against and 1 member abstaining, the motion was defeated.

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The meeting concluded.