**Minutes of Council Meeting held on Monday 22nd September, 2014.**

**Chair:** Cllr. P. Millea

**Cllrs:** M.H. Cavanagh, M. Shortall, J. Brennan, P. Fitzpatrick, M. McCarthy, M. Doyle, B. Gardner, D. Kennedy, A. McGuinness, M. Doran, D. Fitzgerald, K. Funchion, J. Malone, P. McKee, M. Noonan, E. Aylward, T. Breathnach, F. Doherty, P. Dunphy, G. Frisby, P. Cleere, P. O’Neill

**Officials:** J. Mulholland, J. McCormack, M. Prendiville, B. Mernagh, M. Mullally, K. Hanley, T. Lauhoff and A.M Walsh.

**Apologies:** Cllr. Melissa O’Neill, Mr. S. Walton – Acting Director of Services

1. **Confirmation of Minutes - Dearbhú Miontuairiscí:**
2. **Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 21st July, 2014.** Proposed by Cllr. A. McGuinness, Seconded by Cllr. F. Doherty and agreed:- “That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 21st July, 2014 as circulated with the agenda be and are hereby approved.”
3. **Minutes of Special Meeting of Kilkenny County Council held on Tuesday 22nd July, 2014.** Proposed by Cllr. MH Cavanagh, Seconded by Cllr. J. Brennan and agreed:- “That the minutes of Special Meeting of Kilkenny County Council held on the 22nd July, 2014 as circulated with the agenda be and are hereby approved.”
4. **Minutes of Special Meeting of Kilkenny County Council held on Saturday 26th July, 2014.** Proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. Ml. Doyle and agreed:- “That the minutes of Special Meeting of Kilkenny County Council held on the 26th July, 2014 as circulated with the agenda be and are hereby approved.”
5. **Minutes of Special Meeting of Kilkenny County Council held on Monday 25th August, 2014.** Proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. P. Cleere and agreed:- “That the minutes of Special Meeting of Kilkenny County Council held on the 25th August, 2014 as circulated with the agenda be and are hereby approved.”
6. **Minutes of Special Meeting of Kilkenny County Council held on Monday 1st September, 2014.** Proposed by Cllr. M. Noonan, Seconded by Cllr. A. McGuinness and agreed:- “That the minutes of Special Meeting of Kilkenny County Council held on the 1st September, 2014 as circulated with the agenda be and are hereby approved.”

Cllr. P. Millea, Cathaoirleach extended votes of sympathy to the following:-

* To the wife and family of the late Mr. Albert Reynolds former Taoiseach.
* To Martin Gibbons on the death of his mother Mrs. Margaret Gibbons, Dunmore, Co. Kilkenny.
* To Elaine Bolger and family on the death of Mr. John Bolger, former Mayor of Kilkenny.
* To Pat Heffernan (Caretaker), Maura Hickey (Tourism) and their families on the death of their father, Mr. Paddy Heffernan.
* To Tom Morris (Parks) on the death of his mother, Mrs. Mary Morris.
* To Siobhan Burke (Motor Tax) on the death of her father, Mr. Patrick Kirk.
* To Julie Hoynes and Family, Ballybrahee, Glenmore, Co. Kilkenny on the death of her father Mr. Michael (Mick) Dempsey
* To the family of the late Mr. Tommy Knox, Drumdowney, Slieverue, Co. Kilkenny
* To Finola Barron, Carrigcloney, Glenmore, Co. Kilkenny on the death of her brother Mr. Tom Murphy
* To Noelle Walsh, Ashgrove, Mooncoin, Co. Kilkenny on the death of her father Mr. Arthur Urrutia.
* To Rita Roche, Rathinure, Glenmore, Co. Kilkenny on the death of her brother Mr. Jim Vereker
* To Stephen Walsh, Smithstown, Tullogher, Co. Kilkenny on the death of his sister Ms. Annette Kavanagh
* To Alice Cass, Aylwardstown, Glenmore, Co. Kilkenny on the death of her husband Mr. Martin Cass
* To Kathleen Aylward, Kilmackevogue, Glenmore, Co. Kilkenny on the death of her brother Mr. Martin Cass
* To Ann Hanchick, Main St, Mullinavat, Co. Kilkenny on the death of her brother Mr. Martin Cass
* To Gretta Mackey and Family, Tinneranny, Rosbercon, Co. Kilkenny on the death of her husband Mr. Matty Mackey
* To May Dormer, Clouga, Castlecomer, Co. Kilkenny on the death of her cousin Mr. James Dormer

It was proposed by Cllr. P. Millea, seconded by Cllr. M.H Cavanagh that the meeting adjourn for 15 minutes as a mark of respect to the late Mr. Albert Reynolds. This was agreed. Meeting adjourned at 3.10pm.

Meeting resumed at 3.25pm.

Cllr. P. Millea extended congratulations to the following:-

* To our outstanding Kilkenny minor hurling team on their great win in Croke Park on 7th September, 2014.
* To all the towns and villages who were involved in the Tidy Towns competition and particular tribute must go to Kilkenny City on winning the tidiest Large Urban Centre and the overall winner of the national title for the first time in 29 years.
* To local show-jumper Michael Hutchinson from Gowran in winning the “Failte Stakes” at the RDS Dublin International Horseshow in early August.
* To Shirley Power, Owning who has been appointed National Secretary of the ICA.
* To Ferrybank Scouts on winning the overall prize in the All-Ireland Scoutcraft Championships.

Tributes were paid by Cllr. Fitzgerald, A. McGuinness, M. Noonan, B. Gardner to Keep Kilkenny Beautiful (KKB) and all the local authority staff for their tremendous efforts and work over the years to achieve this success in 2014 – a lot of work has been put into all areas over the years.

The Acting Chief Executive, Mr. John Mulholland thanked all members of KKB and the staff for their commitment to the City and other towns and villages throughout the County.

1. **Business prescribed by Statute, Standing Orders or Resolutions of the Council.** -**Gnó forordaithe do réir Reachtaíochta, Orduithe Seasta, nó Rúin an Chomhairle.**

**(a) Housing and Other Disposal - Tithíocht & Díuscairt Eile**

1. Proposed by Cllr. A. McGuinness, Seconded by Cllr. P. Cleere and agreed:- “That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in plot of land at Lintown Close, Kilkenny, measuring 5 square metres, outlined on the attached map, to David O’Doherty and Niamh Tierney, No. 10, Lintown Close, Kilkenny, for the nominal sum of €1.00 with the purchasers being responsible for all legal costs associated with the transfer.”
2. Proposed by Cllr. P. Cleere, Seconded by Cllr. Ml. Doyle and agreed:-“That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in property at 18, Mill Road, Inistioge, Co. Kilkenny, for the sum of €74,000 with each party being responsible for their own legal costs associated with the sale.”

**(b) Finance - Airgeadais**

(i) Manager’s Report on Local Property Tax

Mr. Mulholland advised the meeting that the month of September is a key milestone for budget. Property Tax has been introduced and any change to the Property Tax must be decided by members by 30/09/2014.

Mr. Prendiville referred to report circulated with the agenda. He advised that Kilkenny County Council must notify the Revenue Commissioners by the 30/09/2014 of any change in the rate. He outlined that the public consultation process commenced in July and was extended to the 22/08/2014. 109 valid submissions were received. Details of estimated income and expenditure for 2014 and 2015 were outlined. Additional income is required in the Revenue Account to fund the additional cost on the CAS Bridge. To date the additional cost is €560,000 and is rising.

There can be no change in the rates levied for 2015. The total income from Property Tax and Equalisation Fund is the same amount as the Local Government Fund grant for 2014 i.e. €9.356m. The property tax yield for County Kilkenny is €7.68m which equates to a 95% compliance. An additional increase of 1% on the property tax would yield additional income of €77,000. Any reduction in the property tax will have to be borne by the local authority and will result in reductions in expenditure and the services.

Mr. Prendiville advised that Management are recommending to members that the property tax be increased by 5% to cater for the additional costs on the CAS Bridge. The additional income from a 5% increase would be approx. €380,000. He also advised that members will be required to consider a budget allocation for each Municipal Districts by 10/10/2014.

Cllr. P. Millea thanked Mr. Prendiville for his contribution. He stated that members have a decision to make by 30/09/2014 and there are a lot of major issues to be considered. He asked members to consider having a Special meeting on the 29/09/2014 to consider all the issues in particular the affects any decision on the property tax would have on the budget for 2015 and the services provided.

Cllr. P. Millea proposed that the meeting would be held on the 29/09/2014 at 4.00pm, this was seconded by Cllr. M.H Cavanagh and agreed.

Contributions were received by Cllr’s M. Doran, M.H Cavanagh, B. Gardner, P. McKee, M. Shortall, P. Cleere, T. Breathnach, P. Dunphy, P. Fitzpatrick, F. Doherty, P. Millea and J. Brennan. The issues raised are as follows:-

* Detailed cost of each service to be affected, schedule of what services can be cut
* Breakdown of miscellaneous expenditure of €5m in the budget for 2014
* Breakdown of deficit on Revenue Account
* Recoupment of costs on Storm Damage, can we claim under our Insurance
* Clarify the details of the Equalisation Fund
* Collection of outstanding rates and other debts
* Does the income from NPPR go to the local authority – explain the penalties applied
* Clarify the total projected spend of €65.9m which is over the budget approved
* Is building the bridge covered by insurance
* Further details required on the additional costs of the CAS Bridge, estimated final cost including legal fees for court cases
* Can the property tax be reviewed every year
* Property tax is not additional income, only replacing the Local Government Fund

Members requested that the Cathaoirleach write to the Department requesting urgent recoupment of the costs incurred during the storm damage.

Mr. Prendiville replied to all queries raised by members. He advised that the additional costs on the CAS Bridge must be funded from the Revenue Account. The property tax income can only fund services in the Revenue Account. Capital projects are funded by development levies and grants. There is no additional income available from any source. The property tax will be subject to review each year.

A reduction of 15% on property tax equates to €1.15m and this reduction will mean a reduction in services. An increase in the property tax will not impact on the allocation of €3.2m under the Equalisation Fund. Additional income will be received in full by the local authority. Major urban authorities have the capacity to decrease the property tax. The income from NPPR remains with the local authority. Penalties apply after 1/09/2014, anyone liable for this charge had been notified well in advance to pay the charge before the deadline of 31/08/2014.

The budget of €66m is the joint budget of the two local authorities.

He further advised that the bridge structure is not insurable. Every effort is being made to recoup the storm damage cost.

Mr. Mulholland advised that he will meet with the Department Officials on the storm damage costs and will relay the members concerns. He re-iterated that the property tax is not additional income. Members have a difficult decision to make considering the various issues raised for the budget 2015. The Council is required to have a balanced budget and it is unfortunate that services will have to be cut. The additional cost of the CAS Bridge is changing every week and this cost will have to be funded. There are on-going discussions with the contractor and when the final cost is agreed, members will be advised. Costs from the High Court and Supreme Court cases will be notified shortly. Mr. Mulholland advised that the Head of Finance will be available to meet any members to discuss the finances. Further details will be provided on discretionary spending for the meeting on the 29/09/2014.

**2 (c) Roads - Bóithre**

(i) South Kilkenny Better Energy Community

Mr. Kevin Hanley presented the report circulated by Mr. Simon Walton. He advised members that Kilkenny County Council is committed to a 33% improvement in its energy efficiency up to 2020.

Members approved the North Kilkenny BEC providing for a range of local authority and community based energy efficiency projects to a total value of €743,000 in July this year. Approval is now been sought for the South Kilkenny BEC for a similar range of energy based projects in the total sum of €588,000. Kilkenny County Council is liable for €27,000 of this funding.

Contributions were received from Cllr’s P. Fitzpatrick, M. Doran, M. Shortall and F. Doherty. Issues raised related to

* Level of funding to be committed by the local authority
* How do communities apply to be included in the scheme
* Advertising of the scheme and availability of personnel to speak to various communities.

Mr. Mulholland advised that Carlow/Kilkenny agency is co-ordinating this project and they are available to meet with communities.

The projects included in the South Kilkenny BEC were approved on the proposal of Cllr. P. Fitzpatrick, seconded by Cllr. M. Shortall and agreed.

**2 (d) Environment – Timpeallacht**

No item to be discussed

**2 (e) Housing - Tithíocht**

(i) Housing Report

Mr. McCormack referred to the detailed Housing Report circulated with the agenda. He outlined the major issues and challenges facing the Housing Department. He stated that homelessness is the greatest challenge. There is a huge increase in the number of people presenting as homeless for a number of reasons – particularly mortgage repossessions and increase in rents in the private sector. There is now a reliance on providing accommodation for the private sector through RAS and the new scheme – Housing Assistance Payment (HAP). In Kilkenny City there is an acute shortage of private rented accommodation. There are no houses being constructed. A number of planning permissions exist in the County. The Council must implement the Private Rented Standard for every house available for renting.

He stated that an investment of €9bn would be required to cater for the demand of €90,000 applicants who are on the National Housing List.

The HAP will be introduced by Kilkenny County Council from the 01/10/2014 as part of the Phase 1 of the National Implementation Scheme. The main advantage will be the deduction of rent at source under the Social Welfare Household Budget. The benefits of HAP are to remove the poverty trap. People will not lose benefit if they get a job. There is 100% rent guaranteed to landlords and with the implementation of rent standard, accommodation will be improved. The Housing Department will become a one stop shop for all housing rent supplements.

The other challenge for the housing department is the provision of accommodation for Travellers. There is a dire need to provide accommodation at a number of locations throughout the County. Families need to be supported at both halting sites to maintain their tenancies. He invited questions from members on any service referred to in the Housing Report.

Contributions were received from Cllr’s P. Dunphy, T. Breathnach, M. Doran, K. Funchion, P. Cleere, J. Brennan, M. Noonan, P. Fitzpatrick, D. Fitzgerald, M. Shortall, P. McKee and E. Aylward.

Members in general welcomed the reports and spoke about the growing numbers on the housing list and the accommodation in the private sector. A number of members expressed concerns about the lack of any construction programme in the local authorities. It was proposed by Cllr. P. Dunphy, seconded by Cllr. T. Breathnach and agreed that “Kilkenny County Council should write to the Minister for Environment, Community and Local Government to provide a Capital budget to start a housing construction programme.”

Other issues raised by members are as follows:-

* Non-availability of private rented accommodation – higher rents being sought in the private market – need to increase inspection on units and enforce the standards
* Shortfall in allocation for housing aid grants, criteria needs to be changed on age limits. Seek additional funds from the Department
* HAP – who qualifies for this scheme - Are people removed from the housing list; inspections of units must be a priority
* Travellers – unacceptable the condition of the open space at St. Mary’s; long term proposals for those living in caravans in the Ferrybank area
* Vacant Units – funding required to carry out works; any funds available from the Department; long term vacant units at Clonassy, Mullinavat – any proposal to let it, can vacant units be let they are with any repairs
* Housing Construction Programme – clarify if any projects are underway, explore options for joint partnership with the private sector; build on existing land banks; explore living city initiatives for the major urban areas; examine vacant units and derelict sites for refurbishment; potential for job creation
* Retrofitting programme for energy efficiency and retrofitting in 2014
* Anti-social behaviour – additional resources required to deal with issues arising

Mr. McCormack and Mr. Mullally responded in detail to all the queries raised by the members.

It was proposed by Cllr. J. Brennan, seconded by Cllr. D. Fitzgerald and agreed “that Kilkenny County Council would write to the Minister for Environment, Community and Local Government stating that the criteria for qualification for Housing Aid for the elderly grants be changed from 66 years to 60 years.”

Mr. McCormack circulated a copy of the recent update on the Housing Assistance Payment (HAP) for members information.

At this stage Cllr. P. Millea advised the meeting that a decision had been made by the Supreme Court and he stated that the Supreme Court has rejected the case taken against the County Council this afternoon in relation to the construction of the two bridges. Work will proceed on both bridges.

**2 (f) Community - Pobail**

(i) Approval of nomination of Elected Members to Local Community Development Committee

It was proposed by Cllr. P. O’Neill and seconded by Cllr. Ml. Doyle that Cllr. M.H Cavanagh be appointed to represent Kilkenny County Council on the Local Community Development Committee (LCDC). This was agreed by all members.

(ii) Structural and Policy Changes in Community Development Sector

Mr. J. McCormack referred to document circulated on the up to date position on the Structural and Policy Changes in the Community Development sector. The Local Community Development Committee must have representation from each Municipal District and must have gender balance. The Council has agreed to membership of 19 and the first meeting of the Committee is taking place on Friday 26/09/14. There will be 6 external nominations from the Public Participation Network (PPN).

The PPN replaces the Community and Voluntary Forum. These nominees have not been selected yet as the PPN is not fully set up yet. Public meetings have been held and the engagement in this process was disappointing. The Local Authority will have to provide a budget to resource the PPN in 2015. The role of the LCDC is outlined in the report circulated and a substantial amount of National and European funds will be channelled through this committee. The Council will have a role in managing these funds.

Mr. McCormack outlined to members the purpose of the Social Inclusion and Community Activation Programme (SICAP), the Local Economic and Community Plan (LECP) and Rural Development Programme (LEADER).

Contributions were received from Cllr’s F. Doherty, M. Noonan and T. Breathnach in relation to the problems arising from the changes in the Community Sector. Members stated that there are too many networks/groups required. Clarification was also required in relation to the processing of funds for the various projects. Members requested management to give monthly update reports on the LCDC.

Mr. McCormack advised that the structures must be in place to enable funds to be sourced. It might be more appropriate to issue quarterly progress reports to members.

**2 (g) Planning - Pleanail**

It was proposed by Cllr. M. Doran, seconded by Cllr. T. Breathnach and agreed that:-

“We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of 59 Houses at The Beeches, Ballyrobin, Ferrybank, Co. Kilkenny in accordance with Section 11 of the Roads Act 1993 and in compliance with Section 180 of the Planning and Development Act 2000 as amended by Section 59 of the Planning and Development Act 2010.”

It was proposed by Cllr. M. Doran, seconded by Cllr. T. Breathnach and agreed that:-

“We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of 23 Houses at Beechgrove, New Ross, Co. Kilkenny in accordance with Section 11 of the Roads Act 1993 and in compliance with Section 180 of the Planning and Development Act 2000 as amended by Section 59 of the Planning and Development Act 2010.”

It was proposed by Cllr. M. Doran, seconded by Cllr. T. Breathnach and agreed that:-

“We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of 16 Houses at Avonree Court, Callan, Co. Kilkenny in accordance with Section 11 of the Roads Act 1993 and in compliance with Section 180 of the Planning and Development Act 2000 as amended by Section 59 of the Planning and Development Act 2010.”

**2 (h) Corporate Affairs – Gnóthaí Corparáideacha**

(i) Management Report from Chief Executive

Mr. Mulholland advised the members that under the Local Government Reform Act 2014 the Chief Executive is required to prepare a monthly report for the elected members. He requested members agreement to submit this report with the monthly meeting. Agenda will be in the format outlined in his report dated 12/09/2014. The report will cover Revenue Account expenditure, Revenue collections, Overdraft, Emergency works not provided in budgets, operation of LCDC and Local Enterprise office and reports from other Directorates from time to time – if there is not specific reports listed on the agenda such as Housing report.

Members agreed to receiving the monthly report with the agenda for the Statutory Council meeting.

(ii) Consideration of Draft Standing Orders for Kilkenny County Council

It was proposed by Cllr. Ml. Doyle, seconded by Cllr. F. Doherty and agreed that the Draft Standing Orders for Kilkenny County Council as circulated be hereby adopted.

(iii) Consideration of Kilkenny County Council Strategic Policy Committee Scheme 2014-2019

It was proposed by Cllr. M Shortall, seconded by Cllr. T. Breathnach and agreed that the draft Strategic Policy Committee Scheme 2014-2019 be hereby approved to go on public display.

Members requested that an interim meeting of the Joint Policing Committee be held and this was agreed.

(iv) Part 8 Development at Mayfair

Mr. John Mulholland referred to his report on the proposed refurbishment of “Mayfair” building on the Diageo Site circulated with the agenda.

He advised that following a condition and energy rating survey that significant refurbishment is required in order to make it fit for modern office accommodation. He stated that the Local Authority has not committed to any expenditure on this building. The purpose of the report is to request members approval to proceed to public consultation in accordance with the Planning Acts in respect of the proposed local authority refurbishment works.

Mr. Mulholland stressed that the local authority will not commit any expenditure on refurbishment of the building until the local authority has a commitment for a purchase or lease of the building to a third party.

In order to complete this item on the agenda, Cllr. P. Millea requested a proposal to extend Standing Orders. It was proposed by Cllr. M.H Cavanagh, seconded by Cllr. D. Fitzgerald and agreed that Standing Orders would be suspended to complete discussion on Item 2 (h) (iv) on the agenda.

Contributions were received from Cllr’s D. Fitzgerald, M. Noonan, F. Doherty, P. Millea, T. Breathnach, M. Shortall and P. Cleere. Issues raised by members related to:-

* More time required to consider this significant proposal – refurbishment, use of building
* Status of Draft Master Plan for Diageo Site
* Consideration and review of overall master plan required first
* Financial implication for the Council
* Impact on the City for the next 50 years
* Public Consultation required

Mr. Mulholland outlined that there is no commitment to expenditure. The draft master plan will not come before the members until 2015. Kilkenny County Council must consider the best use of our assets and the ongoing rental lease of other properties. The refurbishment of this building will not impact on the future plans for the entire site, as it is a refurbishment of an existing building that is remaining on the site.

Following discussion, it was agreed by members to list this item on the agenda for the October meeting.

All other items on the agenda were deferred to the October Meeting.

Meeting then concluded.

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Cathaoirleach**